



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCC/148646

PRELIMINARY RECITALS

Pursuant to a petition filed April 09, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Wood County Human Services - WI Rapids in regard to Medical Assistance, a telephonic hearing was held on June 10, 2013, at Wisconsin Rapids, Wisconsin. At the request of petitioner, a hearing set for May 20, 2013 was rescheduled.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: Beulah Garcia, ESS
Wood County Human Services - WI Rapids
320 West Grand Avenue
PO Box 8095
Wisconsin Rapids, WI 54495-8095

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Wood County.
2. The petitioner received Badger Care (BC) Core plan benefits for a household of one.

3. The county agency sent a September 18, 2012 notice of decision to the petitioner stating that her BC Core plan benefits would discontinue effective October 1, 2012.
4. The petitioner submitted an April 9, 2013 letter to the Division of Hearings and Appeals (DHA) appealing the October 1, 2012 discontinuance of her BC Core plan benefits. That letter was received at DHA on April 11, 2013.
5. During the June 10, 2013 hearing, the petitioner and the county agency representative stipulated to the following: a) due to county agency administrative errors, the petitioner's April 9, 2013 appeal to DHA is timely; b) based upon new evidence and a thorough review of the case, ESS Garcia stipulated that petitioner was eligible for the BC Core Plan retroactive to November 1, 2012 for a household of one; and c) the petitioner stipulated that she agrees with the stipulation stated in this Finding of Fact section "5b" by ESS Garcia, and there is no longer any issue in dispute regarding the October 1, 2012 discontinuance of her BC Core benefits.

THEREFORE, it is

ORDERED

The matter is remanded to the county agency (**Attention: ESS Beulah Garcia**) with instructions to take the necessary administrative action to certify the petitioner as eligible for the BadgerCare Core plan for a household of one retroactive to November 1, 2012, within 10 days of the date of this Decision.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Madison,
Wisconsin, this 18th day of July, 2013

\sGary M. Wolkstein
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on July 18, 2013.

Wood County Human Services - WI Rapids
Division of Health Care Access and Accountability