



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MGE/149264

PRELIMINARY RECITALS

Pursuant to a petition filed May 06, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Outagamie County Department of Human Services ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on June 20, 2013. The Hearing for this matter was held at the same time as the Hearing for the following closely related matter concerning the same petitioner: MQB-149266.

The issue for determination is whether it was correct to deny petitioner's February 18, 2013 application for MA for failure to provide verification.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted] (not present at June 20, 2013 Hearing)



Represented by:

[Redacted], petitioner's friend
c/o [Redacted]



Respondent:

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

By: Sandy Hurtado, Staff Development Specialist
Outagamie County Department of Human Services
401 S. Elm Street
Appleton, WI 54911-5985

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]; 49 years old) is a resident of Outagamie County.
2. On February 18, 2013 petitioner applied with the County for MA and requested a 3 month backdate.
3. Petitioner received a letter notice from the County dated February 19, 2013 and entitled *Notice of Proof Needed*; that letter directed petitioner to provide verification of several things, including verification of his savings account; the verification due date was March 17, 2013.
4. No verification of petitioner's savings account was received by the March 17, 2013 deadline.
5. By a letter notice dated March 19, 2013 and entitled *About Your Benefits* the County denied petitioner's MA application due to petitioner's failure to provide verification of his savings account.

DISCUSSION

Assets are required to be verified for MA (except for BadgerCare). Wis. Admin. Code § DHS 102.03(3)(h) (December 2008); *Medicaid Eligibility Handbook* ["MEH"], 20.3.1.4. MA must be denied when an applicant is able to produce required verification, has been provided adequate notice of the verification required, and refuses or fails to produce the required verification. Wis. Admin. Code § DHS 102.02 & 102.03(1) (December 2008); MEH 20.8.3. In this case, as reflected in the above *Findings of Fact*, petitioner has failed to provide the required verification of his savings account. Therefore, it was correct to deny his February 2013 MA application due to verification.

Petitioner does not deny that he failed to provide the required verification by the due date. His representative testified that he was not aware that the savings account information was missing but admits that it was not provided until after the due date. In a letter dated May 14, 2013 petitioner states: "I apologize; I was unaware that the savings account information was not included in my application. This was an innocent error on my part." Petitioner's circumstances are sympathetic -- but, based on the law and policy explained above, the County was correct to deny petitioner's February 18, 2013 application for MA for failure to provide verification.

CONCLUSIONS OF LAW

For the reasons discussed above, it was correct to deny petitioner's February 18, 2013 application for MA for failure to provide verification.

NOW, THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby DISMISSED.

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 28th day of June, 2013

\sSean P. Maloney
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

Wayne J. Wiedenhoef, Acting Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on June 28, 2013.

Outagamie County Department of Human Services
Division of Health Care Access and Accountability