



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MGE/149768

PRELIMINARY RECITALS

Pursuant to a petition filed June 04, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Florence County Department of Human Services ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on July 17, 2013.

The issue for determination is whether petitioner must be allowed to file an MA Disability Application with a filing date that will allow him to request a 3-month back date to include January 2013 and February 2013.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:



Petitioner's Representative:



Respondent:

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

By: Beulah Garcia, Resolution Coordinator, Northern Consortium
Florence County Department of Human Services
501 Lake Ave.
PO Box 170
Florence, WI 54121-0170

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Florence County.

2. On March 27, 2013 petitioner filed an MA application with Marquette County and included information concerning his authorized representative; the MA application was transferred to Marquette County and then transferred to Florence County; it was processed on April 29, 2013.
3. The County sent an MA Disability Application to petitioner but not to petitioner's authorized representative; the MA Disability Application was never returned.
4. On April 30, 2013 the County denied petitioner's MA application.

DISCUSSION

Petitioner seeks the opportunity to file an MA Disability Application with a filing date that will allow him to request a 3-month back date to include January 2013 and February 2013.

An MA applicant may be assisted by any person s/he chooses in completing an application. *Medicaid Eligibility Handbook* ["MEH"] 2.1.1. An authorized representative¹ may sign an MA application for the applicant. The applicant may authorize someone to represent him/her. MEH 2.5.1.

All applications received by an agency must be processed and eligibility approved or denied as soon as possible but no later than 30 calendar days from the filing date. This includes issuing a notice of decision. MEH 12.7.1. When an applicant contacts the wrong agency, redirect him/her to the agency responsible for processing the application immediately. Anytime an application is received in the wrong agency, it must be redirected to the agency responsible for processing that application no later than the next business day. A paper application must be date stamped before it is redirected. The filing date remains the date originally received by the wrong agency. 2.3.1. Thus, petitioner's MA application should have been processed and eligibility approved or denied no later than April 26, 2013 (30 days after the March 27, 2013 filing date)

In this case petitioner's MA application was not redirected to the proper agency by the next business day as required. Further, an MA Disability Application was sent to petitioner but not also to petitioner's authorized representative as it should have been. These agency delays prevented petitioner from filing an MA Disability Application with a filing date that will allow him to request a 3-month back date to include January 2013 and February 2013.

CONCLUSIONS OF LAW

For the reasons discussed above, petitioner must be allowed to file an MA Disability Application with a filing date that will allow him to request a 3-month back date to include January 2013 and February 2013.

NOW, THEREFORE, it is

ORDERED

That this matter be REMANDED to the County and that, within 10 days of the date of this Decision, the County allow to file an MA Disability Application and the County must use a filing date of April 26,

¹ An authorized representative is

2013 for that application. The County must process that application as it normally would, including allowing petitioner a 3-month backdate if he is otherwise eligible for such a backdate.

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 23rd day of July, 2013

\sSean P. Maloney
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 23, 2013.

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