



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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCC/150275

PRELIMINARY RECITALS

Pursuant to a petition filed June 24, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Pierce County Department of Human Services in regard to Medical Assistance, a hearing was held on August 28, 2013, at Ellsworth, Wisconsin. A hearing scheduled for July 25, 2013, was rescheduled at the petitioner's request.

The issue for determination is whether the county agency correctly ended the petitioner's BadgerCare Plus Core Plan benefits because he failed to verify information.

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: Rebecca Mueller

Pierce County Department of Human Services
412 West Kinne Street
PO Box 670
Ellsworth, WI 54011

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Pierce County.

2. On May 7, 2013, the county agency requested that the petitioner verify certain information, including income for “TV monitor.”
3. The petitioner did not submit any information concerning his position as a TV monitor to the agency. He did not request help from the county agency in submitting this information.
4. The county agency notified the petitioner on May 28, 2013, that his BadgerCare Plus Core Plan benefits would end as of June 1, 2013, because he failed to verify his income.

DISCUSSION

The petitioner received medical assistance through the BadgerCare Plus Core Plan, which provides benefits to low-income persons without children under 19 years old. The medical assistance agency reviews the eligibility of those receiving benefits at least annually; recipients must renew their application at this time. Wis. Admin. Code, § DHS 102.04(3)(c). Medical assistance recipients must verify their income when they apply for benefits or renew their application. Wis. Admin. Code, § DHS 102.03(3)(a). The Wis. Admin. Code, § 102.03(1) sets forth the following basic rule concerning verification:

An application for MA shall be denied when the applicant or recipient is able to produce required verifications but refuses or fails to do so...If the applicant or recipient is not able to produce verifications, or requires assistance to do so, the agency may not deny assistance but shall proceed immediately to verify the data elements.

The agency is instructed to wait “until the 11th day after requesting verification or the end of the review month whichever is later” to deny benefits to those who have not verified information. *Plus Eligibility Handbook*, § 9.3.

The agency was conducting its annual review of the petitioner’s BadgerCare Plus Core Plan benefits. On May 7, 2013, it requested that he verify income he received as a “TV monitor.” Although he listed this as one of his sources of income, he never provided the verification. On May 28, 2013, the agency notified him, that his benefits would end as of June 1, 2013. He testified that he did not submit any verification of this income because he no longer was a monitor and he did not keep his pay stubs. However, he never told this to his worker or obtained any help completing his verification. Under these circumstances, the agency’s request was reasonable and the petitioner had no good cause for failing to even attempt to provide the information. I find that the agency properly ended his benefits.

CONCLUSIONS OF LAW

The county agency correctly ended the petitioner’s BadgerCare Plus Core Plan benefits when he failed to verify income he earned as a television monitor.

THEREFORE, it is

ORDERED

The petitioner's appeal is 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 2nd day of October, 2013

\sMichael D. O'Brien
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 October 2, 2013.

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