



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCC/150942

PRELIMINARY RECITALS

Pursuant to a petition filed July 26, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Dane County Department of Human Services in regard to Medical Assistance, a hearing was held on August 26, 2013, at Madison, Wisconsin.

The issue for determination is whether there is any issue for determination by the Division of Hearings and Appeals.

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: Antonio Esterrich

Dane County Department of Human Services
1819 Aberg Avenue
Suite D
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. Petitioner is a recipient of Medical Assistance benefits under Badger Care Core.
3. Petitioner was due for a review by the end of August.

4. There was confusion with the status of petitioner disability status in July 2013. The agency sent notice on July 22 indicating termination from BC+. Petitioner filed her request for hearing on July 29, 2013. Petitioner underwent her review on August 5, 2013. That issue was resolved by the agency at the time of review without any lapse in BC Core enrollment.
5. The agency sent notices to petitioner indicating that her case would close if she did not complete her review. The review was conducted in August and the Department requested income verification by August 31, 2013.
6. At the time of the hearing on August 26, 2013, petitioner had submitted some of the requested documentation and intended to submit the remainder.
7. Petitioner filed an appeal.

DISCUSSION

At the time of the hearing, it was apparent that there was no adverse action by the Department. Petitioner had remained on the BC Core plan for July, August and would remain in September if she submitted the documentation. Following the hearing, I received information from the agency that the documentation was submitted and was satisfactory. Petitioner did what she was asked to do and no adverse action was taken and there is nothing to appeal.

CONCLUSIONS OF LAW

There is no issue for determination as there was no adverse action by the agency.

THEREFORE, it is

ORDERED

That this 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 10th day of October, 2013

\sJohn P. Tedesco
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 October 10, 2013.

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