



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

██████████ ██████████
c/o ██████████ ██████████
██████████
██

DECISION

MGE/151358

PRELIMINARY RECITALS

Pursuant to a petition filed August 16, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Rock County Department of Social Services in regard to Medical Assistance, a hearing was held on September 09, 2013, at Janesville, Wisconsin.

The issue for determination is whether the Department erred in its denial of MA due to failure to submit requested verification.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

██████████ ██████████
c/o ██████████ ██████████
██████████
██

Respondent:

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

By: Sherry Quirk

Rock County Department of Social Services
1900 Center Avenue
PO Box 1649
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Rock County.
2. Petitioner submitted an application for EBD-MA in May 2013.

3. He had previously getting MA as a result of being an SSI recipient. SSI was terminating on May 31, 2013 which precipitated the new application.
4. Petitioner identified two bank accounts on his application.
5. On June 13, 2013, the agency sent a request for verification of assets, specifically the two bank account balances. The documentation was due by June 27, 2013. The notice was sent in Spanish.
6. The agency never received the documentation.
7. A notice of denial was sent to petitioner due to non-receipt of the requested documentation.

DISCUSSION

MA certification is available if **all** conditions of eligibility-- including meeting the asset test are providing necessary, requested verification, are satisfied. Wis Admin. Code § DHS 103.08(1). The agency *must* request verification of assets for EBD-MA applicants. *MEH*, §20.3.1.

Petitioner did not send the requested verification by the deadline provided by the agency. Petitioner stated that she provided the account numbers and thought that was enough. But, the notice requesting the documentation explains that documentation from the bank showing the balance is required. The agency had no other choice but to deny the application.

CONCLUSIONS OF LAW

The agency did not err in denying EBD-MA.

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 30th 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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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on October 30, 2013.

Rock County Department of Social Services
Division of Health Care Access and Accountability