



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

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In the Matter of:

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/151909

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 09, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Wood County Human Services - WI Rapids ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on November 14, 2013.

The issue for determination is whether or not petitioner's June 21, 2013 application for BadgerCare Plus MA ["BC+"] was properly processed.

There appeared at that time via telephone the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: Irene Lehman, ES Supervisor  
Wood County Human Services - WI Rapids  
320 West Grand Avenue  
PO Box 8095  
Wisconsin Rapids, WI 54495-8095

**ADMINISTRATIVE LAW JUDGE:**

Sean P. Maloney  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Lincoln County.

2. On June 21, 2013 petitioner applied for BC+ for herself and her children.
3. The County processed petitioner's June 21, 2013 application for BC+ but did not determine whether or not petitioner's children were eligible for BC+ with a deductible.
4. By an *About Your Benefits* letter notice dated July 31, 2013 the County denied BC+ for petitioner's children.
5. At the time of petitioner applied for BC+ on June 21, 2013 the County did not provide any information to her about the possibility that her children might be eligible for BC+ with a deductible; petitioner was first notified of this possibility when she received the July 31, 2013 *About Your Benefits* letter notice.

### **DISCUSSION**

Petitioner seeks eligibility for BC+ with a deductible for her children effective June 1, 2013. The County denied this request. The County argues that petitioner's June 21, 2013 application has already been denied and that, although petitioner reapplied for BC+ on August 19, 2013, no backdating is allowed.

The issue here is not whether or not backdating is allowed -- the issue here is whether or not petitioner's June 21, 2013 application for BC+ was properly processed. It was not.

When a person applies for BC+ the county agency must provide any information, instructions, and/or materials needed to complete the application process. *BadgerCare + Eligibility Handbook* 25.1; See also, Wis. Admin. Code § DHS 102.01(4) (December 2012). That did not happen in this case because no information was provided to petitioner about the possibility of eligibility with a deductible for her children. If such information had been provided petitioner could have requested that the County determine whether or not her children were eligible for BC+ with a deductible. Therefore, the County must reprocess petitioner's June 21, 2013 application for BC+ and determine whether or not her children are eligible for BC+ with a deductible starting June 2013.

### **CONCLUSIONS OF LAW**

For the reasons discussed above, the County must reprocess petitioner's June 21, 2013 application for BC+ and determine whether or not her children are eligible for BC+ with a deductible starting June 2013.

**THEREFORE, it is**

### **ORDERED**

This matter REMANDED to the County and that, within 10 days of the date of this *Decision*, the County reprocess petitioner's June 21, 2013 application for BC+ and determine whether or not her children are eligible for BC+ with a deductible starting June 2013, send a written notice of its determination to petitioner, and issue all BC+ benefits, if any, for which she and her children are otherwise eligible.

### **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 21st day of November, 2013

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\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 November 21, 2013.

Wood County Human Services - WI Rapids  
Division of Health Care Access and Accountability