



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/152109

PRELIMINARY RECITALS

Pursuant to a petition filed September 14, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Kewaunee County Department of Social Services in regard to Medical Assistance, a telephonic hearing was held on October 23, 2013, at Kewaunee, Wisconsin.

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, Room 651
Madison, Wisconsin 53703

By: Jodi Zimmerman, ESS
Kewaunee County Department of Social Services
810 Lincoln Street
Kewaunee, WI 54216

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Kewaunee County who resides with her son and her boyfriend, [REDACTED] (who is the father of petitioner's son).
2. On July 30, 2013, petitioner re-applied for BadgerCare (BC) Plus benefits for her son.
3. The county agency sent notices to the petitioner approving her son's BC eligibility as of August 1, 2013, but denying his BC eligibility for the month of July, 2013.

4. During the October 23, 2013 hearing, the county agency stipulated that based upon new evidence the county agency approved the BadgerCare eligibility of petitioner's son for the month of July, 2013 as long as petitioner paid the \$55 BC premium during October 23, 2013.
5. During the October 23, 2013 hearing, petitioner stipulated that she would pay her BC premium of \$55 that same day to the county agency.

CONCLUSIONS OF LAW

The county agency stipulated that based upon new evidence the county agency approved the BadgerCare (BC) eligibility of petitioner's son for the month of July, 2013 as set forth in Findings of Fact #4 and #5 above.

THEREFORE, it is

ORDERED

The matter is remanded to the county agency with instructions to certify the petitioner's son as eligible for BadgerCare Plus benefits for the month of July, 2013, contingent upon petitioner's timely payment of the \$55 BC premium, within 10 days of the date of this Decision.

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, Room 651, 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 3rd day of December, 2013

\sGary M. Wolkstein
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 December 3, 2013.

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