



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FPO/152588

PRELIMINARY RECITALS

Pursuant to a petition filed October 3, 2013, under Wis. Stat., §49.45(5), to review a decision by the Winnebago County Dept. of Human Services to deny Family Planning services, a hearing was held on November 19, 2013, by telephone.

The issue for determination is whether petitioner failed to verify information.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Leslie Vosters
Winnebago County Dept. of Human Services
P.O. Box 2187
Oshkosh, WI 54903-2187

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Winnebago County.
2. Petitioner applied for BadgerCare Plus (BC+) MA and the Family Planning Waiver on August 30, 2013. She reported that she is pregnant. An interview was conducted on September 5, 2013 by telephone.
3. On September 6, 2013 the agency requested verification of petitioner's pregnancy, state residency, and income. The notice was sent to the address petitioner provided (the [REDACTED] address) but it was returned by the postal service. On September 13 another verification

notice was sent to the [REDACTED] asking for the same information along with proof of her address; the due date was September 30, 2013.

4. On September 24 the agency received copies of pay stubs and a statement that the [REDACTED] was correct. No proof of pregnancy or state residency was received.
5. By a notice dated October 1, 2013, the agency denied MA because petitioner did not provide requested verification.

DISCUSSION

The Family Planning Waiver is a subset of MA that provides limited benefits for individuals who are otherwise ineligible for BC+. BC+ Handbook, Appendix 40.1. Processing rules are essentially the same as for BC+. Although this appeal file was opened for petitioner, she has a separate primary appeal concerning BC+, case no. BCS-152587. Since petitioner is pregnant she would not come under Family Planning because she is eligible for BC+.

In the other decision I found that petitioner's BC+ application was denied correctly because she did not verify information. Thus the concurrent Family Planning application also was denied, and for the same reasons I would affirm the denial of that program.

CONCLUSIONS OF LAW

The agency correctly denied petitioner's Family Planning application for the same reason it denied her BC+ application.

THEREFORE, it is **ORDERED**

That the petition for review herein be and the same is hereby 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 26th day of November, 2013

\sBrian C. Schneider
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 26, 2013.

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