



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

██████ ██████  
████████████████████  
████████████████████

DECISION

BCS/152841

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**PRELIMINARY RECITALS**

Pursuant to a petition filed October 14, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Rock County Department of Social Services in regard to Medical Assistance, a telephonic hearing was held on November 27, 2013, at Janesville, Wisconsin.

The issue for determination is whether there is any remaining issue in dispute at this time regarding the county agency's October 1, 2013 discontinuance of petitioner's BadgerCare Plus benefits.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

██████ ██████  
████████████████████  
████████████████████

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: Patricia Nixon, ES Supervisor  
Rock County Department of Social Services  
1900 Center Avenue  
PO Box 1649  
Janesville, WI 53546

**ADMINISTRATIVE LAW JUDGE:**

Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Rock County who resides in a household with her minor daughter, ZM and another child, ██████.
2. The petitioner received BadgerCare (BC) Plus benefits for her herself and her family.

3. On September 26, 2013, petitioner reported to the county agency her new employment.
4. On September 27, 2013, the county agency sent a written notice to the petitioner requesting verification of her new employment by the due date of October 7, 2013.
5. The county agency sent an October 8, 2013 Notice of Decision to the petitioner indicating that her BC benefits would discontinue effective October 1, 2013, due to failure to timely provide employment verification to the county agency. That notice also indicated that petitioner declined BC benefits for [REDACTED].
6. The county agency asserted that it received petitioner's verification on October 9, 2013.
7. The county agency sent an October 14, 2013 Notice of decision to the petitioner stating that her BC benefits for herself and her minor daughter (ZM) were re-opened retroactive to October 1, 2013.
8. During the November 27, 2013 hearing, ES Supervisor Patricia Nixon stipulated that petitioner's BC eligibility has already been restored retroactive to October 1, 2013.
9. The petitioner did not dispute that her BC benefits had been restored as of October 1, 2013, but asserted that she wanted to pursue a civil rights complaint against the county agency. The basis for the complaint was the county agency's alleged mishandling of the October 1, 2013 discontinuance of her BC benefits from October 1, 2013 until re-opening her BC on October 14, 2013. See Finding of Fact #7 above.

### **DISCUSSION**

During the November 27, 2013 hearing, petitioner explained that she was upset about the handling of her BadgerCare (BC) Plus case and the October 1, 2013 discontinuance of her BC benefits. Petitioner alleged that she had verified her employment income on or about August 28, 2013 and September 26, 2013. She angrily asserted that she wanted to pursue a civil rights complaint due to the mishandling of her case, and that her BC was temporarily stopped for the period of October 1 – 14, 2013, until her BC case was re-opened on October 14, 2013 retroactive to October 1, 2013. This Administrative Law Judge (ALJ) explained to the petitioner that the Division of Hearings and Appeals (DHA) does not handle any alleged civil rights issues, and that the correct venue was the State Equal Rights Department.

Petitioner alleged that during the period of October 1-14, a bill for her family from a medical clinic had been denied. If such medical bill has still not been paid, the petitioner may wish to request that the medical clinic re-submit that bill for BC payment and include a copy of this decision.

### **CONCLUSIONS OF LAW**

There is no longer any issue in dispute regarding the October 1, 2013 discontinuance of petitioner's BadgerCare (BC) Plus eligibility because the county agency representative has stipulated that it has already restored the petitioner's BC benefits and eligibility for herself and her minor daughter retroactive to October 1, 2013.

**THEREFORE, it is**

**ORDERED**

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, 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 9th day of January, 2014

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\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 January 9, 2014.

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