



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/154817

PRELIMINARY RECITALS

Pursuant to a petition filed January 13, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Washburn County Department of Social Services in regard to Medical Assistance, a hearing was held on February 20, 2014, at Shell Lake, Wisconsin.

The issue for determination is whether the petitioner's daughter can be found eligible for medical assistance more than three months before benefits were sought on her behalf.

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: Katie Bauer

Washburn County Department of Social Services
110 W 4th Avenue
PO Box 250
Shell Lake, WI 54871

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Washburn County.
2. The petitioner was an ongoing recipient of medical assistance as a result of being disabled.
3. The petitioner had a baby on June 10, 2013.

4. On October 16, 2013, the petitioner applied for medical assistance on behalf of her child, seeking benefits retroactive to June 2013. The county agency determined that she was eligible retroactive to July 1, 2013.

DISCUSSION

The petitioner had been receiving medical assistance because she is disabled. She had a child on June 10, 2013. That child was placed in foster care the next month. At some point, the petitioner became aware that the child had incurred medical expenses that remained unpaid. On October 16, 2013, the petitioner asked that the child receive medical assistance retroactive to the date of birth. Medical assistance rules state that “eligibility shall begin on the date on which all eligibility requirements were met, but no earlier than the first day of the month 3 months prior to the month of application.” Wis. Admin. Code, § DHS 103.08(1). The agency found the child eligible as of July 1, 2013. The county agency determined that eligibility could not begin until July 1, 2013.

The agency correctly applied § 103.08(1) because July 1, 2013, was the first day of the month 3 months prior to the month of application. Even if one considers the child’s eligibility as change in the petitioner’s case rather than as a separate determination of eligibility, the petitioner was required to “inform the agency within 10 days of any change in...living arrangements which may affect eligibility.” Wis. Admin. Code, § DHS 104.02(6). She did not do this. The agency correctly denied her request to begin her child’s benefits before July 1, 2013.

CONCLUSIONS OF LAW

The county agency properly denied the petitioner’s request that her child receive medical assistance retroactive to her birth on June 10, 2013, because that date occurred more than three months before the petitioner applied for the benefits.

THEREFORE, it is

ORDERED

The petitioner's 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, 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 28th day of February, 2014

\sMichael D. O'Brien
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 February 28, 2014.

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