



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/154826

PRELIMINARY RECITALS

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

The issue for determination is whether the county agency correctly determined the BadgerCare Plus eligibility of the petitioner and her daughter.

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: Cheryl Odle

St. Croix County Department of Human Services
1445 N. Fourth Street
New Richmond, WI 54017-1063

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of St. Croix County.
2. After the hearing, the county worker determined that the petitioner was eligible for BadgerCare Plus retroactive to February 1, 2014, agreed that her daughter was eligible retroactive to

December 1, 2013. The worker also asserted that the petitioner agrees that this determination is correct.

DISCUSSION

The petitioner and her husband appealed the agency's denial of their separate applications for BadgerCare Plus. After the hearing, the agency worker, Cheryl Odle, indicated that the petitioner and her daughter were found eligible for benefits but the petitioner's husband remained ineligible. The petitioner's eligibility is retroactive to February 1, 2014, and her daughter's eligibility is retroactive to December 1, 2013. Ms. Odle asserts that both the petitioner and her husband agree that this outcome is correct. Because this is consistent with what was asserted by the parties at the hearing, I will dismiss this matter. If the petitioner disagrees with this outcome, she should file a request for a rehearing within 20 days.

CONCLUSIONS OF LAW

1. The petitioner is eligible for medical assistance retroactive to February 1, 2014.
2. The petitioner's daughter is eligible for medical assistance retroactive to December 1, 2013.

THEREFORE, it is

ORDERED

That this matter is remanded to the county agency with instructions that within 10 days of the date of this decision it certify to the Division of Hearings and Appeals that, consistent with Cheryl Odle's letter to Michael D. O'Brien dated February 24, 2014, the petitioner has been found eligible for medical assistance retroactive to February 1, 2014, and that her daughter has been found eligible retroactive to December 1, 2014.

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 25th 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 25, 2014.

St. Croix County Department of Human Services
Division of Health Care Access and Accountability