



FH
[REDACTED]

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

In the Matter of

[REDACTED]
c/o [REDACTED]
[REDACTED]
[REDACTED]

DECISION

MQB/155222

PRELIMINARY RECITALS

Pursuant to a petition filed January 30, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Walworth County Department of Human Services [“County”] in regard to Medical Assistance [“MA”] Medicare Premium Assistance [“MQB”], a Hearing was held via telephone on March 25, 2014.

The issue for determination is whether it was correct to deny petitioner’s November 14, 2013 application for MQB for failure to provide verification.

There appeared at that time and via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED] (not present at March 25, 2014
Hearing)
c/o [REDACTED]
[REDACTED]
[REDACTED]

Represented by:

[REDACTED], petitioner’s son and
Power of Attorney [“POA”]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703
By: Sandy Cross, ESS
Walworth County Department of Human Services
W4051 County Rd NN
Elkhorn, WI 53121-1006

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Walworth County, Wisconsin.
2. On November 14, 2013 petitioner applied with the County for QMB.
3. Petitioner received a letter notice from the County dated November 26, 2013 and entitled *Notice of Proof Needed*; that letter directed petitioner to provide verification of several things, including verification of her checking account; the verification due date was December 13, 2013.
4. No verification of petitioner's checking account was ever received.
5. By a letter notice dated December 16, 2013 and entitled *About Your Benefits* the County denied petitioner's QMB application due to petitioner's failure to provide verification of her checking account.

DISCUSSION

Assets are required to be verified for QMB. Wis. Admin. Code § DHS 102.03(3)(h) (December 2008); *Medicaid Eligibility Handbook* ["MEH"], 20.3.1.4. MA must be denied when an applicant is able to produce required verification, has been provided adequate notice of the verification required, and refuses or fails to produce the required verification. Wis. Admin. Code § DHS 102.02 & 102.03(1) (December 2008); MEH 20.8.3. In this case, as reflected in the above *Findings of Fact*, petitioner has failed to provide the required verification of her savings account. Therefore, it was correct to deny her November 2013 QMB application due to lack of verification.

Petitioner does not deny that she failed to provide the required verification. Her representative testified that petitioner's expenses exceed her income and she needs assistance. Petitioner's circumstances are sympathetic -- but, based on the law and policy explained above, the County was correct to deny petitioner's November 2013 application for QMB for failure to provide verification.

CONCLUSIONS OF LAW

For the reasons discussed above, it was correct to deny petitioner's November 2013 application for QMB for failure to provide verification.

NOW, THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby DISMISSED.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or 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 filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 27th day of March, 2014

\sSean P. Maloney
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 March 27, 2014.

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