



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted case name]

DECISION

BCS/155236

PRELIMINARY RECITALS

Pursuant to a petition filed January 31, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Waukesha County Health and Human Services in regard to Medical Assistance, a hearing was held on March 20, 2014, at Waukesha, Wisconsin.

The issue for determination is whether the agency properly denied the Petitioner's application for Badgercare (BC) benefits.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted petitioner name and address]

Respondent:

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

By: Kathy Jones
Waukesha County Health and Human Services
514 Riverview Avenue
Waukesha, WI 53188

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Waukesha County.
2. On December 8, 2013, the Petitioner submitted an application for FoodShare (FS), BadgerCare (BC) and child care (CC) benefits. On September 1, 2013, the Petitioner had submitted an application for BC benefits.

3. On December 10, 2013, the agency issued a Notice of Action and Proof Needed and a Notice of Action Required: Initial Phone Interview Appointment Scheduled. The Notice of Action and Proof needed stated that the Petitioner needed to complete an interview, sign the application and provide verification of employment at Tri-State Adjustment and Renewal by Anderson. The due date for the items was January 8, 2014 for BC benefits. The Notice of Action Required informed the Petitioner of an interview scheduled for December 13, 2013 at 1:15 p.m.
4. On December 19, 2013, a second Notice of Action and Proof Needed was issued requesting the signature and employment verifications. Due date for BC benefits was noted to be January 8, 2014.
5. On December 31, 2013, a third Notice of Proof Needed was issued requesting employment verification. Due date for BC benefits was noted to be January 8, 2014.
6. On January 9, 2014, the agency issued a Notice of Decision informing the Petitioner that her BC application was denied due to failure to provide requested verifications.
7. On January 15, 2014, the agency received pay statements from Tri-State and Nissen.
8. On January 31, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals.

### DISCUSSION

Proof of certain information, including income, is required to determine eligibility for BadgerCare Plus. Mandatory items such as income items must be verified at application, renewal, person addition or deletion, or when there is a change in circumstance that affects eligibility or benefit level. BadgerCare Plus (BC+) Handbook § 9.1.

The time period for processing an for BC+ is 30 days from the application filing date. The agency must advise the applicant of the specific verification required within the 30 day processing time and give the applicant a minimum of ten calendar days to provide any necessary verification. BC+ Handbook § 9.2.

The agency shall deny eligibility for failure to provide the required verification the 10th day after requesting verification, or the 30th day after the application filing date, whichever is later. BC+ Handbook § 9.2.

The Petitioner does not dispute that she did not provide requested employment verifications before January 8, 2014. The agency made three separate requests for the information and noted the due date on each notice. The notices also informed her that benefits would be denied if the information was not provided. It is the applicant's responsibility to provide the verification in order to receive benefits. There is nothing to prevent the Petitioner from re-applying for benefits and providing the requested information.

### CONCLUSIONS OF LAW

The agency properly denied the Petitioner's BC+ application.

**THEREFORE, it is**

**ORDERED**

That 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 Milwaukee,  
Wisconsin, this 28th day of March, 2014

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\sDebra Bursinger  
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 28, 2014.

Waukesha County Health and Human Services  
Division of Health Care Access and Accountability