



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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MGE/155316

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**PRELIMINARY RECITALS**

Pursuant to a petition filed February 07, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Chippewa County Department of Human Services in regard to Medical Assistance, a hearing was held on March 19, 2014, at Chippewa Falls, Wisconsin.

The issue for determination is whether the petitioner failed to verify his financial information.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Petitioner's Representative:

Attorney Mary Beth Gardner  
2411 N. Hillcrest Parkway  
Suite 9  
Altoona, WI 54720

Respondent:

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

By: Jessica Hughes

Chippewa County Department of Human Services  
711 N. Bridge Street  
Chippewa Falls, WI 54729-1877

**ADMINISTRATIVE LAW JUDGE:**

Michael D. O'Brien  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [REDACTED]) is a resident of Eau Claire County.

2. The petitioner applied for medical assistance on November 27, 2013, requesting eligibility retroactive to August 1, 2013. That application was denied on December 24, 2013, because he allegedly failed to verify the information on his application.
3. The county agency concedes that its requests for verification were mailed to the wrong address.

### DISCUSSION

Medicaid rules require recipients to verify relevant information. Wis. Admin. Code, § DHS 102.03(3). The petitioner applied for medical assistance on November 27, 2013, requesting eligibility retroactive to August 1, 2013. That application was denied on December 24, 2013, because he allegedly failed to verify the information on his application. The county agency now concedes that it did not send the requests for verification to the correct address and has agreed to allow his additional time to submit that information. The petitioner, who is represented by an attorney, agrees that this matter can be dismissed, with the understanding that if his application is denied again, he may file a new appeal. Any appeal will cover the November 27, 2013, application, which means that he remains potentially eligible for benefits retroactive to August 1, 2013.

### CONCLUSIONS OF LAW

The petitioner could not verify the requested information because the county agency sent the verification to the wrong address.

**THEREFORE, it is**

### ORDERED

The petitioner's appeal is dismissed. However, he may file a new appeal of his November 27, 2013, application if the agency again denies that application.

### **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 24th day of March, 2014

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\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 March 24, 2014.

Chippewa County Department of Human Services  
Division of Health Care Access and Accountability  
Attorney Mary Beth Gardner