



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/155666

PRELIMINARY RECITALS

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

The issue for determination is whether the agency erred in denying petitioner's BC+ application.

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: Laurie Garceau

Manitowoc County Department of Human Services
3733 Dewey Street
Manitowoc, WI 54221-1177

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Manitowoc County.
2. Petitioner applied for BC+ on 12/16/13.
3. On 12/19/13 the agency sent a request to petitioner seeking verification of residency and self-employment. The verification was due back by 1/15/14. The request was sent to an address on [REDACTED] in [REDACTED].

4. On January 14, 2014, the agency received returned mail which was the undelivered request for verification.
5. The agency did not receive the verification.
6. The agency sent a denial notice on January 16, 2014.
7. Petitioner appealed with a request for fair hearing on February 24, 2014 identifying his address on [REDACTED] in [REDACTED].
8. The agency attempted at least one more mailing to get the request to petitioner at a forwarding address.

DISCUSSION

The Medicaid Eligibility Handbook (MEH) provides directives to county agencies which set forth the agency and client responsibilities when processing an MA application or review. Applicants must verify financial information including assets. Wis. Admin. Code § DHS 102.03(3), MEH § 20.3.5.

Petitioner, by the time of the hearing, had still not provided the documentation that was requested. The agency cannot enroll a person in BC+ if they cannot verify employment and income. The agency made considerable effort to obtain the information. The agency did not err.

At the time of hearing, petitioner was informed that he should re-apply for the program and cooperate with the agency in getting them the information they need to process the application.

CONCLUSIONS OF LAW

The agency did not err in its denial because petitioner did not provide the needed verification.

THEREFORE, it is ORDERED

That this matter is 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 2nd day of May, 2014

\sJohn P. Tedesco
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on May 2, 2014.

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