



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted names]

DECISION

BCS/157129

PRELIMINARY RECITALS

Pursuant to a petition filed April 24, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the La Crosse County Department of Human Services in regard to Medical Assistance, a hearing was held on May 21, 2014, at Viroqua, Wisconsin.

The issue for determination is whether the Department erred in its denial of BC+ for petitioner's child based on his lack of a social security number.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted names]

Petitioner's Representative:

[Redacted names]

Respondent:

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

By: Tom Miller

La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Vernon County.
2. Petitioner has a minor child. She lives with the child's father and the child in common.

3. Petitioner applied for BC+ on behalf of her child.
4. On April 3, 2014, the Department sent notice informing petitioner that her child was not eligible for BC+.
5. Petitioner appealed.

DISCUSSION

The child was receiving BC+ for a period of time under his father's case. In early 2014, coverage under the father case was ending and the mother applied on behalf of the child. The agency realized that the child did not have a social security number. The Department denied BC+ for the child because he does not have a social security number. At hearing, petitioner explained that her son is a person and not a number. At another point she argued that he is too young to get an SSN (which is not correct). For whatever reason, she has refused to obtain a social security number for her son.

The agency must verify identity and citizenship as part of an eligibility determination. See BC+ Eligibility Handbook at § 9.9.1:

9.9.1 Social Security Number

Social Security Numbers (SSNs) need to be furnished for household members requesting BC+ unless they are exempt from the SSN requirement (see [6.1](#)). SSNs are not required from non-applicants, including outside of the home tax dependents and co-filers.

An [applicant](#) is not required to provide a document or Social Security card. S/he only needs to provide a number, which is verified through the [CARES](#) SSN validation process. If the SSN validation process returns a mismatch record, the member must provide the Social Security card or another official government document with the SSN displayed. If an applicant does not yet have an SSN s/he must be willing to apply for one.

Assist the member in applying for an SSN for any group member who doesn't have one (IMM, Ch. I, Part C).

Do not deny benefits pending issuance of an SSN if you have any documentation that an SSN [application](#) was made. At the next renewal, check to see if an SSN has been issued.

The member should be informed if the SSN validation process indicates another individual is using the same SSN. The member should contact the Social Security Administration and request they conduct an investigation. The IM worker can not provide the member with any information that would identify the individual who is using the member's SSN.

If the Social Security Administration finds that the SSN has been used fraudulently it may:

1. Recommend further action be taken.
and/or
2. Provide the member with the information on the fraudulent action so that the member may pursue action through the legal system.
Verify the SSN only once.

9.9.1.1 Newborns

A parent of a newborn may begin an SSN application on the newborn's behalf while still in the hospital.

Do not require an SSN to be furnished or applied for on behalf of a newborn determined continuously eligible ([8.2](#)) for BC +. Accept the mother's statement about the existence and residence of the newborn.

There are several exceptions to the SSN requirement in § 9.9 that are not applicable here.

Petitioner is free to make choices about her child's status as a person. But, if she wishes to have him benefit from public programs paid by the taxpayers and administered by the state government, she will have to comply with the program rules.

CONCLUSIONS OF LAW

The agency did not err in requiring the child to have an SSN in order to be enrolled in BC+.

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 10th day of June, 2014

\sJohn P. Tedesco
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 June 10, 2014.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability
jmishun@cardonoutreach.com