



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MQB/157319

PRELIMINARY RECITALS

Pursuant to a petition filed April 23, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Dane County Department of Human Services in regard to Medical Assistance, a hearing was held on June 18, 2014, at Madison, Wisconsin.

The issue for determination is whether there is any remaining issue in dispute regarding the petitioner's QMB benefits.

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: Darcy Stecklein, ESS
Dane County Department of Human Services
1819 Aberg Avenue
Suite D
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County who receives MA benefits.
2. The petitioner has been eligible for Medicare Premium Assistance, QMB, since about May, 2012.

3. The county agency sent a notice to the petitioner indicating that petitioner's QMB would end about April, 2014 due allegedly to lack of verification.
4. During the June 18, 2014 hearing, the county representative stipulated that petitioner has been eligible for continuous QMB benefits retroactive to May 1, 2012 without any lapse in QMB benefits.
5. The petitioner agreed that based upon the county representative's stipulation there is no longer any issue in dispute regarding his QMB benefits.

CONCLUSIONS OF LAW

There is no longer any issue in dispute regarding the petitioner's QMB benefits, as the county representative stipulated that petitioner has been eligible for continuous QMB benefits retroactive to May 1, 2012 without any lapse in his QMB benefits.

THEREFORE, it is

ORDERED

The matter is remanded to the county agency with instructions to take any necessary administrative action to confirm that petitioner has been eligible for continuous QMB benefits retroactive to May 1, 2012, within 10 days of the date of this Decision.

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 21st day of July, 2014

\sGary M. Wolkstein
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 July 21, 2014.

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