



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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/157956

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**PRELIMINARY RECITALS**

Pursuant to a petition filed May 23, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Sauk County Department of Human Services in regard to Medical Assistance (MA), a hearing was held on July 24, 2014, by telephone. A hearing set for June 19, 2014, was rescheduled at the petitioner’s request.

The issue for determination is whether the county agency incorrectly failed to timely process the petitioner’s EBD MA application.

There appeared at that time 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: Julie Arendsee, ES Supr.  
Sauk County Department of Human Services  
505 Broadway, 4th Floor  
PO Box 29  
Baraboo, WI 53913

**ADMINISTRATIVE LAW JUDGE:**

Nancy J. Gagnon  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is an elderly resident of Sauk County.
2. The petitioner resides with his wife, who has MAPP coverage. The petitioner filed an Elderly/Blind/Disabled MA application with the county agency on February 17, 2014.

3. As of the time of the hearing's commencement, the agency had not completed the processing of the petitioner's MA application. The delay in processing is not attributable to any action or inaction by the petitioner. The agency concedes that the petitioner will be eligible for EBD MA with a substantial deductible.
4. The agency representative stipulated that she would complete the processing of the petitioner's MA application by the end of the day, July 14, 2014.

### DISCUSSION

The petitioner filed an EBD MA application in February 2014, and requested a three-month backdating of eligibility. The agency failed to meet processing time standards, and stipulated that it would complete the processing of the application on July 24, 2014. This will result in a notice being issued to the petitioner; if the petitioner disagrees with the deductible determination or other aspect of the agency's decision, he may file a new appeal.

### CONCLUSIONS OF LAW

1. The county agency incorrectly failed to timely process the petitioner's EBD MA application.
2. The county agency stipulated to immediate processing of the petitioner's EBD MA application.

**THEREFORE, it is**

### ORDERED

That the petition is remanded to the county agency with instructions to complete the processing of the petitioner's February 2014 EBD MA application 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 25th day of July, 2014

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\sNancy J. Gagnon  
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 25, 2014.

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