



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/159017

PRELIMINARY RECITALS

Pursuant to a petition filed July 09, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Brown County Human Services in regard to Medical Assistance (MA)/BadgerCare Plus, a hearing was held on August 26, 2014, at Green Bay, Wisconsin.

The issue for determination is whether the county agency correctly discontinued the petitioner's son's BadgerCare Plus (BCP) benefits effective August 1, 2014.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Sarah Burden, ES Spec.
Brown County Human Services
Economic Support-2nd Floor
111 N. Jefferson St.
Green Bay, WI 54301

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Brown County.

2. The petitioner receives SSI and SSI-related MA benefits. She has a minor son who is covered by BCP. The petitioner reported in early June 2014 that [REDACTED] [REDACTED] was living with her and the son.
3. [REDACTED] [REDACTED] is not married to the petitioner. He is not the father of the petitioner's minor son.
4. On June 17, 2014, the agency mailed a written verification request to the petitioner's correct address. The request demanded verification of household member composition (presumably related to [REDACTED] [REDACTED]) by June 26, 2014. It also asked questions related to tax filing; the petitioner does not file a tax return. The requested verification (e.g., lease) was not received.
5. On July 1, 2014, the agency issued written notice to the petitioner advising that the son's BCP would be discontinued effective August 1, 2014. The basis for discontinuance was failure to provide requested verification.
6. [REDACTED] [REDACTED] was no longer in the household by the date of hearing.

DISCUSSION

The petitioner appealed because she does not recall receiving the verification request; she only recalls getting "a letter about taxes." The June 17 verification request was mailed to the petitioner's correct address, and I believe that she received it.

However, I do not understand why verification of the household membership was even asked for, for BCP purposes. The agency worker present at hearing did not take the action. [REDACTED] is not a spouse of the petitioner or a parent of a minor child-in-common. His presence was relevant to the petitioner's FS case, but not to her child's BCP case. *BadgerCare Plus Eligibility Handbook*, § 2.3.2.2. Thus, BCP for the child should not have closed.

The petitioner's Caretaker Supplement case was also closed. That closure will be dealt with in a separate decision.

CONCLUSIONS OF LAW

1. The county agency incorrectly sought to discontinue the petitioner's child's BCP effective August 1, 2014.

THEREFORE, it is

ORDERED

That the petition is *remanded* to the agency with instructions to reopen the petitioner's child's BCP case effective August 1, 2014, if it has not already done so. This action shall be taken 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 27th day of August, 2014

\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 August 27, 2014.

Brown County Human Services
Division of Health Care Access and Accountability