



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/159681

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 05, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Polk County Department of Social Services in regard to Medical Assistance, a hearing was held on November 13, 2014, at Balsam Lake, Wisconsin.

The issue for determination is whether the agency correctly denied BadgerCare Plus to the petitioner for failing to verify household income.

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: Mary Jo Hacker

Polk County Department of Social Services  
100 Polk County Plaza, Suite 50  
Balsam Lake, WI 54810

**ADMINISTRATIVE LAW JUDGE:**

Michael D. O'Brien  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [REDACTED]) is a resident of Polk County.
2. The petitioner applied for BadgerCare Plus on July 7, 2014. The agency denied it after determining that he did not properly verify his household's income.

3. The petitioner indicated that he will provide the agency with the verification. The county agency agreed to accept it and determine his eligibility based upon the July 7, 2014, application.

### DISCUSSION

Medical assistance applicants must verify income with 30 days of when they apply or within 10 days of when the information is requested, whichever is later. *BadgerCare Plus Handbook*, § 9.2. The petitioner applied for BadgerCare Plus on July 7, 2014; the county agency denied the application because it contends that he did not verify his income on time. The petitioner contends that he did not receive a clear request for the documentation the agency contends is missing, and the agency did not provide a copy of its request to me, so I cannot tell if the request is adequate. Regardless, the worker at the hearing, Mary Jo Hacker, testified that if the petitioner submits the verification now, she will determine his eligibility based upon the July 7, 2014, application. He indicated that this was not a problem.

### CONCLUSIONS OF LAW

The county agency has submitted insufficient documentation to determine whether the petitioner failed to verify his income.

**THEREFORE, it is**

### ORDERED

That this matter is remanded to the county agency with instructions that within 10 days of the date of this decision it determine the petitioner's eligibility based upon whatever additional verification the petitioner provides to it between now and then. Eligibility shall be based upon the July 7, 2014, application. The petitioner may file a new appeal if he disagrees with the agency's 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 13th day of November, 2014

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\sMichael D. O'Brien  
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 November 13, 2014.

Polk County Department of Social Services  
Division of Health Care Access and Accountability