



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/160757

PRELIMINARY RECITALS

Pursuant to a petition filed September 19, 2014, under Wis. Stat., §49.45(5)(a), to review a decision by the Rock County Dept. of Social Services to discontinue Medical Assistance (MA), a hearing was held on November 5, 2014, by telephone.

The issue for determination is whether the county correctly closed BadgerCare Plus (BC+) MA when petitioner did not complete her review.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Mary Donahue
Rock County Dept. of Social Services
P.O. Box 1649
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County.
2. Petitioner received BC+ for herself and one son. She had a review that needed to be completed by the end of August, 2014. Petitioner filed the review package on July 17, 2014 but did not sign it.
3. On August 1 the county sent petitioner a "Notice of Action and Proof Needed" document asking her to sign the application and for verification of work and unearned income. Petitioner filed the

employment verification but did not return the signature page or the unearned income verification.

4. By a notice dated August 12, 2014, the county informed petitioner that BC+ would close September 1, 2014 because she did not verify information and she did not sign the form. Petitioner filed this appeal but did not provide the verification or the signed form.

DISCUSSION

An MA recipient must complete periodic reviews to continue eligibility. Wis. Admin. Code, §DHS 102.04(3); BC+ Handbook, Appendix 26.1. The recipient is required to verify information that can affect eligibility. Wis. Admin. Code, §DHS 102.03. If the household fails to verify required information by the time limit, the agency may deny the benefits. Wis. Admin. Code, §DHS 102.03(1). All applications and renewals must be signed. Handbook, App. 25.5.

Petitioner admitted that she failed to return the signed signature page because she was confused about whether she already signed the form. She also did not return the verification of her [REDACTED] income. I must conclude, therefore, that the county correctly closed BC+ as required by the rules.

At this point petitioner simply needs to reapply for BC+.

CONCLUSIONS OF LAW

The county correctly closed petitioner's BC+ because she did not complete her renewal by signing the form and by verifying unearned income.

THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby 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 6th day of November, 2014

\sBrian C. Schneider
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 6, 2014.

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