



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redact
Redact
Redact

DECISION

BCS/160867

PRELIMINARY RECITALS

Pursuant to a petition filed September 26, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Barron County Department of Human Services in regard to Medical Assistance, a hearing was held on October 22, 2014, at Barron, Wisconsin.

The issue for determination is whether the county agency correctly ended the petitioner's medical assistance eligibility under a BadgerCare Plus extension because she failed to verify self-employment income.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

Redact
Redact
Redact

Respondent:

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

By: Candi Gillette

Barron County Department of Human Services
Courthouse Room 338
330 E Lasalle Ave
Barron, WI 54812

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. The petitioner (CARES # Redact) is a resident of Barron County.
2. The petitioner was an ongoing recipient of BadgerCare Plus.

3. The petitioner cleaned houses. By August 28, 2014, a friend had taken over all of her cleaning and the petitioner no longer earned any money from this.
4. The petitioner called the agency twice on August 27, 2014, and once on August 29, 2014, to explain that she no longer was self-employed and to ask what steps she needed to take next. She told the worker that she had taken a job with the Redact school district.
5. On August 28, 2014, the Centralized Document Processing Unit requested that the petitioner verify her self-employment income by filling out a Self-Employment Income Reporting Form by September 8, 2014. She verified her school earnings but did not provide the self-employment form because she did not think it was necessary after she no longer had such earnings.

DISCUSSION

When a household's income increases from below 100% of the federal poverty level to above that amount, those already receiving benefits remain eligible for another year under a BadgerCare extension regardless of their income. *BadgerCare Plus Eligibility Handbook*, § 18.1. A recipient loses her extension if she fails to verify her income and at least one parent or caretaker in her extension assistance group is not disabled, a tribal member, or pregnant. *Id.*, § 18.5.1.4.

The petitioner was an ongoing recipient of BadgerCare Plus. She had a cleaning business but called the agency on August 27, 2014, because she was taking new employment with the local school district. At the same time, a friend was taking over her cleaning business and receiving all of the money for that cleaning. On August 28, 2014, the CDPU requested that the petitioner verify her income, including self-employment income by September 8, 2014. When she did not return a Self-Employment Income Reporting Form, the agency ended her BadgerCare Plus extension.

The petitioner was obviously confused by the verification process. She called the agency twice on August 27 and again two days later. It is clear that she believed that verifying her new job was enough and that she did not understand how she could verify self-employment income that she no longer had. Medicaid applicants must verify relevant information within 10 days of when the information is requested. But the agency cannot deny benefits if the recipient is incapable of obtaining the verification. Wis. Admin. Code, § DHS 102.03(1).

The agency did nothing wrong here. It made a request and denied benefits when the request was not complied with. Still, the petitioner was understandably confused. She was told to fill out a form that requested detailed information about income she no longer had. A simple written confirmation that she was no longer self-employed would have accomplished the same thing. And she had already verified the income that replaced her self-employment income. Because of her confusion, she was, in effect, unable to provide the verification. I find that her confusion is sufficient to relieve her of the requirement that she verify her self-employment income, especially since there is little doubt that she no longer performs that work. Therefore, I will remand this to the agency to continue her coverage under the extension.

CONCLUSIONS OF LAW

The petitioner remains eligible for a BadgerCare Plus extension because she was incapable of complying with the requested verification of her self-employment 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 continue her BadgerCare Plus eligibility consistent with the extension under which she had been receiving those benefits as of September 1, 2014.

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 8th day of December, 2014

\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 December 8, 2014.

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