



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of:

[Redacted]
Redact
[Redacted]

DECISION

BCS/161613

PRELIMINARY RECITALS

Pursuant to a petition filed October 30, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the La Crosse County Department of Human Services ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on November 26, 2014.

The issue for determination is whether it was correct to end petitioner's MA BadgerCare Plus ["BC+"] Extension effective October 1, 2014.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
Redact
[Redacted]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703
BY: Tom Miller, ES Supervisor
La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]; 34 years old) is a resident of La Crosse County, Wisconsin.

2. Petitioner was in a BC+ extension.
3. On August 25, 2014 petitioner reported a change in his work shift to the County.
4. The County sent petitioner a *Notice of Proof Needed* letter dated August 27, 2014 requesting verification of his earnings with a due date of September 5, 2014.
5. Petitioner failed to provide the requested verification by the September 5, 2014 due date (although he did provide it on October 14, 2014).
6. Petitioner is not disabled, a tribal member, or pregnant.
7. By an *About Your Benefits* letter notice dated September 8, 2014 the County informed petitioner that his BC+ Extension would end as of October 1, 2014 due to his failure to provide verification.

DISCUSSION

A BC+ member loses an Extension if, among other things, the member fails to provide verification of income and at least one parent/caretaker in the extension Assistant Group ["AG"] is not disabled, a tribal member, or pregnant. *BadgerCare + Eligibility Handbook* ["BC+ Handbook"] 18.5.1; See also, Wis. Admin. Code § DHS 102.03(1) (December 2008); Wis. Stat. § 49.46(1)(co)1. (2011-12) & Wis. Admin. Code § DHS 103.09(3) (December 2008).

Further, if a condition necessary for an Extension is lost, the Extension is not regained solely by recovering the lost condition. As an example: A group has an Extension and the parent fails to provide verification of earnings. The parent loses eligibility for BadgerCare Plus. The children in the Extension remain eligible for the duration of the Extension. The parent does not regain the Extension if she later provides verification of income. BC+ Handbook 18.5.1 Example 1.

Petitioner does not deny that he failed to provide verification. He testified that he did not get the August 27th *Notice of Proof Needed* letter and was not aware that he needed to provide verification. County computer notes state that when petitioner called the County on October 27, 2014 he said that his son lost the mail. Petitioner's circumstances are sympathetic -- but, based on the law and policy explained above, the County was correct to end petitioner's BC+ Extension effective October 1, 2014 for failure to provide verification.

CONCLUSIONS OF LAW

For the reasons discussed above, it was correct to end petitioner's BC+ Extension effective October 1, 2014.

NOW, 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 18th day of December, 2014

\sSean P. Maloney
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 18, 2014.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability