



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redact
Redact
Redact

DECISION

BCS/161372

PRELIMINARY RECITALS

Pursuant to a petition filed October 21, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a telephonic hearing was held on November 12, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether there was sufficient reliable evidence in the hearing record to determine whether Milwaukee Enrollment Services (MES) correctly discontinued the petitioner's BadgerCare benefits effective August 1, 2014, due to failure to timely provide verification of all self-employment income including two rental properties or provide signed IRS tax returns to MES.

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: Redact, IM advanced
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # Redact) is a resident of Milwaukee County who received BadgerCare (BC) Plus benefits for her household of four (petitioner (Redact), her husband (Redact)), and their two children).

2. On or about July 11, 2014, Milwaukee Enrollment Services (MES) received the petitioner's BC renewal application.
3. MES pended the petitioner's application for petitioner to provide verification of all self-employment income including two rental properties or provide signed IRS tax returns to MES.
4. MES sent a July 31, 2014 Notice of Proof Needed to the petitioner requesting verification by August 11, 2014 of self-employment business income from [Redact] and [Redact] by petitioner's husband [Redact], and verification of self-employment income from two rental properties. See Exhibit 2.
5. MES sent an August 13, 2014 Notice of Decision to the petitioner stating that petitioner's BadgerCare Plus benefits would discontinue effective August 1, 2014, due to failure to timely verify all household income and on the basis of household income above the BC income eligibility limits for a group of four.
6. MES sent additional September 17, 2014 and September 25, 2014 Notices of Proof Needed to the petitioner.
7. The petitioner submitted 2013 tax returns to MES, but those returns were unsigned.
8. During the November 12, 2014 hearing, the petitioner and the MES representative stipulated to the following: a) By November 19, 2014, petitioner would submit to MES petitioner's signed IRS tax returns and updated income information including all change reports regarding all self-employment income including two rental properties; b) By November 29, 2014, MES would review all the submitted information by petitioner and c) MES would issue a new detailed notice of decision to the petitioner explaining in detail petitioner's BC eligibility for her household retroactive to August 1, 2104. If the petitioner wants to appeal that new MES notice, petitioner must file a new appeal with DHA and include a copy of that new notice with her appeal letter.

CONCLUSIONS OF LAW

There was insufficient reliable evidence in the hearing record to determine whether Milwaukee Enrollment Services (MES) correctly discontinued the petitioner's BadgerCare benefits effective August 1, 2014, due to failure to timely provide verification of all self-employment income including two rental properties or provide signed IRS tax returns to MES.

THEREFORE, it is

ORDERED

The matter is remanded to the petitioner and Milwaukee Enrollment Services with instructions to complete the Stipulation as set forth in Finding of Fact #8 above, within 10 days of the date of this Decision. If the petitioner wants to appeal MES's new notice, petitioner must file a new appeal with DHA and include a copy of that new notice with her appeal letter.

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 9th day of January, 2015

\sGary M. Wolkstein
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 January 9, 2015.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability