



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/162395

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**PRELIMINARY RECITALS**

Pursuant to a petition filed December 2, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Washington County Dept. of Social Services to deny Medical Assistance (MA), a hearing was held on January 15, 2015, by telephone.

The issue for determination is whether petitioner failed to verify information by the due date.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

By: [REDACTED] (Daughter)

Respondent:

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

By: Ken Benedum  
Washington County Dept. of Social Services  
333 E. Washington Street  
West Bend, WI 53095

**ADMINISTRATIVE LAW JUDGE:**

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Washington County.
2. Petitioner applied for MA on October 27, 2014. After his application interview, the county requested verification of a number of items by a notice dated November 7, 2014. The notice informed petitioner that the verification had to be received by November 26.
3. Petitioner provided none of the verification items by the deadline. By a notice dated November 28, 2014, the county denied the application.

## DISCUSSION

As a first point, I note that two files were opened by the Division of Hearings and Appeals. When petitioner applied, he was applying potentially for either the Medicaid Purchase Plan (MAPP), a program that provides MA for disabled people who work, and the BadgerCare Plus (BC+) program, which provides MA for any adult whose household income is below 100% of the federal poverty level. I thus am doing two decisions although the reason for the denial was same.

An MA 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). The agency should assist the applicant if he requests assistance. BC+ Handbook, App. 9.8.

The Handbook, App. 9.11.4, provides as follows:

Deny or reduce benefits when all of the following are true:

1. The member has the power to produce the verification.
2. The time allowed to produce the verification has passed.
3. The member has been given adequate notice of the verification required.
4. You need the requested verification to determine current eligibility. Do not deny current eligibility because a member does not verify some past circumstance not affecting current eligibility.

In this case the county correctly denied BC+ as required. It notified petitioner of the required verification, and it did not receive the verification by the time limit. Petitioner did not request assistance.

As noted during the hearing, petitioner can reapply for BC+ at any time. He still will have to provide the requested verification.

## CONCLUSIONS OF LAW

The county correctly denied BC+ because petitioner did not provide verification by the due date and did not request assistance.

**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 Milwaukee,  
Wisconsin, this 2nd day of February, 2015

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\sDebra Bursinger  
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 February 2, 2015.

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