



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MGE/162568

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**PRELIMINARY RECITALS**

Pursuant to a petition filed December 09, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Polk County Department of Social Services in regard to Medical Assistance, a hearing was held on January 15, 2015, at Balsam Lake, Wisconsin.

The issue for determination is whether the county agency correctly denied the petitioner's application for medical assistance because he failed to adequately verify his pension.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: Nancy Randall

Polk County Department of Social Services  
100 Polk County Plaza, Suite 50  
Balsam Lake, WI 54810

**ADMINISTRATIVE LAW JUDGE:**

Michael D. O'Brien

Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [REDACTED]) is a resident of Polk County.
2. The petitioner applied for medical assistance on September 17, 2014.

3. On September 23, 2014, the Centralized Data Processing Unit requested that the petitioner provide the following information concerning his pension or retirement by October 17, 2014: “Current Statement or Document with source type and amount; Check Stubs or Tax Forms.”
4. The petitioner was in a nursing home and could not get his 2014 pension information. Instead, he submitted his 2013 information.
5. The county agency denied the petitioner’s application for institutional medical assistance because he did not adequately verify his pension.

### DISCUSSION

Medical assistance applicants must verify income and assets. Wis. Admin. Code, §§ DHS 102.03(3)(a) and (h). The Centralized Data Processing Unit requested that the petitioner provide the following information concerning his pension or retirement by October 17, 2014: “Current Statement or Document with source type and amount; Check Stubs or Tax Forms.” He was in a nursing home and could not obtain his latest statement, so he provided the 2013 information instead. Because he did not provide the latest pension information, the county agency denied his application.

According to Wis. Admin. Code, § DHS 102.03(1):

An application for MA shall be denied when the applicant or recipient is able to produce required verifications but refuses or fails to do so....If the applicant or recipient is not able to produce verifications, or requires assistance to do so, the agency may not deny assistance but shall proceed immediately to verify the data elements.

Similarly, medical assistance policy instructs when to approve or deny an application:

Begin or continue benefits when:

1. The member provides requested verification within the specified time limits and is otherwise eligible.
2. Requested verification is mandatory, but the member does not have the power to produce the verification and s/he is otherwise eligible

*Medicaid Eligibility Handbook*, § 20.8.1.

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

*Medicaid Eligibility Handbook*, § 20.8.3.

In this matter, I find that the petitioner’s circumstances left him unable to provide the latest verification and that, given those circumstances, he provided a reasonable alternative to the request. As a result, the agency should have accepted the information he provided. This likely would have had little effect on its eligibility determination because a pension rarely changes much from year to year

The agency also contends that the petitioner is ineligible because his assets exceeded the program’s \$2,000 limit. It did not provide any evidence of this, which is understandable because it likely believed it

was unnecessary in light of its finding that he did not adequately verify his pension. Because I do not have any evidence on whether his assets exceeded the program's, I will not rule on that issue at this time. Instead, if the agency continues to find that his assets were too high, he may file a new appeal. ,

### CONCLUSIONS OF LAW

The county agency cannot deny the petitioner's application for medical assistance on the ground that he inadequately verified his pension information.

**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 redetermine the petitioner's eligibility for medical assistance retroactive to August 1, 2014. When doing so, it shall not deny the application on the ground that he failed to adequately verify his pension. If the petitioner disagrees with the agency's decision, he may file a new appeal.

### **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 5th day of February, 2015

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\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 February 5, 2015.

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