



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
Redact
[Redacted]

DECISION

BCS/163622

PRELIMINARY RECITALS

Pursuant to a petition filed February 2, 2015, under Wis. Stat., §49.45(5)(a), to review a decision by the Grant County Dept. of Social Services to deny Medical Assistance (MA), a hearing was held on February 19, 2015, by telephone.

The issue for determination is whether the county correctly denied MA because petitioner failed to verify income.

PARTIES IN INTEREST:

Petitioner:

[Redacted]
Redact
[Redacted]

Respondent:

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

By: [Redacted]
Grant County Dept. of Social Services
P.O. Box 447
Lancaster, WI 53813

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Grant County.
2. Petitioner applied for BadgerCare Plus (BC+) MA and FoodShare on November 14, 2014. An interview was completed, and on November 21, 2104 the county sent petitioner a notice requesting verification of employment income, child support, and student loan interest. The deadline was December 15, 2014.
3. No verification was received, and there was no contact from petitioner.

4. By a notice dated December 16, 2014, the county denied BC+ because petitioner did not verify necessary information.

### DISCUSSION

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 she requests assistance. BC+ Handbook, App. 9.8. If sources of verification are unavailable even with agency assistance, the agency should use the best information available. Id.

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.

Petitioner testified that she gave the form to her employer and thought that the employer sent it in. There is nothing in the rules that provide for relief for good cause reasons for failing to provide the verification if the applicant does not inform the agency of problems obtaining the information. I therefore must conclude that the denial of the BC+ was correct, and I urge petitioner to reapply as soon as possible.

### CONCLUSIONS OF LAW

The county correctly denied petitioner's application because she did not provide verification by the deadline.

**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 23rd day of February, 2015

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\sBrian C. Schneider  
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 23, 2015.

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