



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of:

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

[REDACTED]

PRELIMINARY RECITALS

Pursuant to a petition filed March 6, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Dane County Department of Human Services [“County”] in regard to Medical Assistance [“MA”], a Hearing was held via telephone on April 16, 2015. The Hearing for this matter was held at the same time as the Hearing for the following 3 closely related matters: [REDACTED]

[REDACTED] and, [REDACTED]

The issue for determination is whether the following Claim may be established against petitioner for MA overpayments: Claim Number [REDACTED] August 1, 2014 to November 30, 2014; \$1,159.00.

There appeared at that time via telephone 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: Monica Johnson, Overpayment Specialist
Dane County Department of Human Services
1819 Aberg Avenue
Suite D
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

[REDACTED]

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Adams County, Wisconsin.
2. The following Claim was established against petitioner for overpayments of MA: Claim Number [REDACTED]; August 1, 2014 to November 30, 2014; \$1,159.00. Exhibits #A1 & #A2.
3. The MA overpayment in *Finding of Fact* #2, above, resulted from the fact that not all earned income of petitioner from his employment at [REDACTED] was reported to the County; at the renewal on June 24, 2014 an inaccurate *Employer Verification of Earnings* ["EVFE"] was submitted by petitioner's employer (it did not include overtime income which was regularly received); this additional overtime income put petitioner's household over the income limit for MA. Exhibits #C1, #C2 & #C3.

DISCUSSION

An overpayment of MA benefits may be recovered only in the following 3 circumstances:

- A. A misstatement or omission of fact by a person supplying information in an application for benefits;
- B. The failure of an MA or BadgerCare recipient or any other person responsible for giving information on the recipient's behalf to report the receipt of income or assets in an amount that would have affected the recipient's eligibility for benefits; or,
- C. The failure of an MA or BadgerCare recipient or any other person responsible for giving information on the recipient's behalf to report any change in the recipient's financial or nonfinancial situation or eligibility characteristics that would have affected the recipient's eligibility for benefits or the recipient's cost-sharing requirements.

Wis. Stat. § 49.497(1)(a) (2013-14); See also, *Medicaid Eligibility Handbook* ["MEH"] 22.2.1; BEM/DWS Operations Memo, No: 05-39, Date: 09/29/2005; and, BEM/DWS Operations Memo, No: 06-10, Date: 02/09/2006.

In this case petitioner's employer failed to report accurate income. This caused the MA overpayments listed in *Findings of Fact* #2, above.

Petitioner argues that he, his wife, or his employer reported his income. However, the evidence in the record of his matter is that at the renewal on June 24, 2014 an inaccurate EVFE was submitted by petitioner's employer. As noted above, the law provides that MA benefits may be recovered in the following circumstance: the failure of an MA or BadgerCare recipient or any other person responsible for giving information on the recipient's behalf to report any change in the recipient's financial or nonfinancial situation or eligibility characteristics that would have affected the recipient's eligibility for benefits.

CONCLUSIONS OF LAW

For the reasons discussed above, the following Claim may be established against petitioner for MA overpayments: Claim Number [REDACTED]; August 1, 2014 to November 30, 2014; \$1,159.00.

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 22nd day of April, 2015

\sSean P. Maloney
Administrative Law Judge
Division of Hearings and Appeals



State of [REDACTED] DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on April 22, 2015.

Dane County Department of Human Services
Public Assistance Collection Unit
Division of Health Care Access and Accountability