



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/164571

PRELIMINARY RECITALS

Pursuant to a petition filed March 12, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Kenosha County Human Service Department in regard to Medical Assistance, hearings were held on May 7, 2015, June 23, 2015 and August 18, 2015, at Racine, Wisconsin.

The issue for determination is whether the agency properly denied the Petitioner's application for BC+ benefits.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Rhonda Kraemer

Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Racine County.
2. On January 23, 2015, the Petitioner submitted an application for healthcare benefits to the agency.

3. On January 29, 2015, the agency conducted a phone interview with the Petitioner. At that time, a one month backdate for benefits was requested. Also, Petitioner reported that he is disabled, he is 18 years of age and he resides with his parents.
4. On January 30, 2015, the agency issued a Notice of Proof Needed to the Petitioner requesting information regarding household composition and household income. The notice also informed the Petitioner of the need to complete a Medicaid Disability Application. The due date for the information was February 23, 2015.
5. On February 17, 2015, the agency issued a Notice of Proof Needed to the Petitioner requesting information regarding household composition and household income, including information regarding Petitioner's father's employment. The notice indicated the due date for the information was February 23, 2015.
6. On February 20, 2015, the agency issued a Notice of Proof Needed to the Petitioner requesting information regarding employment and income of Petitioner's father and mother. Specifically, the notice indicated that the Petitioner was to provide evidence of monthly income of his father and mother. The notice gave examples of evidence that could be provided including pay stubs from the last 30 days, an employer verification of earnings form completed by the employer or a statement from the employer with the same information. The due date for the information was March 2, 2015.
7. On March 3, 2015, the agency issued a Notice of Decision to the Petitioner informing him that his application for healthcare benefits was denied due to failure to provide required information.
8. On March 12, 2015, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

BadgerCare Plus (BC+) is a state/federal program that provides health coverage for Wisconsin families and individuals under certain income limits.

The conditions of eligibility for BC+ include a requirement that an applicant must cooperate with verification requests when information is mandatory or deemed questionable. BC+ Handbook, § 2.1. Income of individuals in the BC+ test group must be verified if it cannot be obtained from an electronic data source. BC+ Handbook, § 9.1. The applicant has the responsibility for providing verification. BC+ Handbook, § 9.8. An application must be denied for failure to provide information or verification, if:

1. Requested information or verification is required by program policy to determine eligibility, and
2. The applicant had the power to produce the information or verification, within the period, but failed to do so, and
3. The applicant had a minimum of 10 days to produce the verification.

BC+ Handbook, § 25.7.

A parent residing with his or her child under the age of 19 must be in the same BadgerCare Plus Test Group. BC+ Handbook, § 2.3.1.1.

In this case, the Petitioner was under age 19 at the time of the application. Therefore, the BC+ eligibility rules require that the income of his parents be tested. The agency requested verification of the monthly income of Petitioner's parents. The verification of such was not provided by the due date. The agency properly denied the Petitioner's application.

At the hearing, the Petitioner's father testified that the agency did not have the proper employer listed and stated that he is now retired and will be receiving a pension. The agency indicated that a new application would need to be filed with updated information and verification of household income would need to be supplied.

On May 7, 2015, the Petitioner submitted a new application for healthcare benefits. He reported that he is 18 years old, that he lives with his parents and sister and that he is disabled. He reported that his father is retired and has a pension of \$3,684.49/month. He reported that his mother and sister are employed at [REDACTED]. He reported that he (Petitioner) has a temporary job for 90 days with a start date of May 19, 2015. A statement of Petitioner's father's pension dated June 1, 2015 was submitted. One pay statement was submitted for Petitioner's mother dated February 27, 2015. One pay statement was submitted for Petitioner dated July 10, 2015.

A second hearing was held on June 23, 2015. The agency noted that it had still not received the income verification requested. Specifically, the pay statement for Petitioner's mother was dated February 27, 2015 and did not represent the last 30 days of pay. The Petitioner's father testified that he had provided the additional information. He agreed to supply the information again and the agency agreed it would re-process the application with the information.

A third hearing was held on August 17, 2015. The agency had received additional information from the Petitioner's father regarding his retirement and the case was updated with that information. It also updated the case with employment information for the Petitioner who obtained a temporary job. The agency testified it still had not received the requested income verification for Petitioner's mother. The Petitioner's father conceded that information had not been submitted and questioned why it was needed.

I find that the agency has done due diligence in attempting to assist the Petitioner in completing the application. However, since February, 2015, the agency has been requesting the last 30 days of pay statements to verify the Petitioner's mother and the Petitioner has not cooperated in providing that information. There is no evidence of the Petitioner being unable to obtain the information. The agency properly denied the Petitioner's application for failure to supply required information for the agency to make an eligibility determination.

I note that the Petitioner has filed another application for benefits. This decision does not make any finding with regard to the recent application and determination by the agency. A separate appeal file has been opened and a separate hearing and decision will be made on that matter.

CONCLUSIONS OF LAW

The agency properly denied the Petitioner's application for failure to provide required verification of income.

THEREFORE, it is

ORDERED

That the Petitioner's appeal is 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 October, 2015

\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 October 2, 2015.

Kenosha County Human Service Department
Division of Health Care Access and Accountability