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Redact

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

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In the Matter of:

[Redacted]  
[Redacted]  
[Redacted] *Redact*

DECISION

BCS/165210

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**PRELIMINARY RECITALS**

Pursuant to a petition filed April 4, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Wood County Human Services - WI Rapids ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on May 19, 2015. At petitioner's request a Hearing scheduled for May 5, 2015 was rescheduled.

The issue for determination is whether petitioner's MA eligibility can be backdated to before November 1, 2015.

There appeared at that time via telephone the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[Redacted]  
[Redacted]  
[Redacted] *Redact*

Respondent:

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

BY: [Redacted], Resolution Coordinator  
Wood County Human Services - WI Rapids  
220 Third Avenue South  
Suite 4  
Wisconsin Rapids, WI 54495

**ADMINISTRATIVE LAW JUDGE:**

Sean P. Maloney  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # Redact; 44 years old) is a resident of Wood County, Wisconsin.
2. Petitioner does not speak or read English (she speaks Hmong); she does not read Hmong very well.
3. On October 21, 2014 petitioner applied for MA with the County.
4. On November 4, 2015 the County conducted an MA application interview via telephone with petitioner using her 16-year old son as an English/Hmong translator; petitioner's MA application was pended for verification and a summary page signature.
5. On November 20, 2014 petitioner's MA application was denied because verification and a summary page signature were not provided.
6. On December 16, 2014 petitioner provided income verification, but not summary page signature; she did not provide a summary page signature because she was confused.
7. On January 5, 2015 petitioner again applied for MA with the County.
8. On January 14, 2015 the County conducted an MA application interview via telephone with petitioner using her 16-year old son as an English/Hmong translator; petitioner's MA application was pended for verification and a summary page signature which were due by February 5, 2015.
9. A *Notice of Action and Proof Needed* letter dated January 15, 2015 was sent to petitioner informing her of the verification that was required and that her signature was also needed.
10. On February 5, 2015 and February 6, 2015 petitioner provided the required verification; she did not provide a summary page signature because she was confused about what was required.
11. On February 17, 2015 petitioner telephoned the County and inquired why her MA was not open; she was told her MA was not open because a summary page signature was never received from her; the County sent another summary page to petitioner for her to sign.
12. On February 25, 2015 petitioner provided the County with her signature on the summary page; petitioner's MA opened effective February 1, 2015 with a 3-month backdated eligibility to November 1, 2014.

**DISCUSSION**

Petitioner appeals because, based on her MA application dates, she wants her MA backdated to before November 1, 2014. The County opened petitioner's MA effective February 1, 2015 (with a 3-month backdated eligibility to November 1, 2014) because it did not receive petitioner's summary page in a timely manner.

Assistance must be provided to assure effective communication. This includes translators for non-English speaking persons. *BadgerCare Plus Eligibility Handbook* ["BC+ Handbook"] 30.1; See also, *Medicaid Eligibly Handbook* ["MEH"] 2.1.1. Minors cannot be used as translators. *Income Maintenance Manual* ["IMM"] 1.4.2.

Petitioner did not provide a summary page signature in a timely manner because she was confused about what was required. This was due the fact that she does not speak or read English (she speaks Hmong) and does not read Hmong very well. In such cases the County is required to provide a translator who is not a minor. That did not happen in this case. The translator provided was petitioner's 16-year old son. Therefore, the fact that petitioner did not provide a summary page signature page in a timely manner should not prevent her from getting a backdate to prior to November 1, 2015 if she is otherwise eligible.

**CONCLUSIONS OF LAW**

For the reason discussed above, petitioner's MA eligibility can be backdated to prior to November 1, 2015 if she is otherwise eligible.

**NOW, THEREFORE, it is**

**ORDERED**

That this matter be REMANDED to the County and that, within 10 days of the date of this *Decision*, the County redetermine petitioner's retroactive eligibility for MA (using both her October 1, 2014 and January 5, 2015 MA applications) disregarding the fact that she did not provide a summary page signature in timely manner.

**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 3rd day of June, 2015

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\sSean P. Maloney  
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 June 3, 2015.

Wood County Human Services - WI Rapids  
Division of Health Care Access and Accountability