



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MOP/165282

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**PRELIMINARY RECITALS**

Pursuant to a petition filed April 10, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Fond Du Lac County Department of Social Services in regard to Medical Assistance (MA), a telephonic hearing was held on May 19, 2015.

The issue for determination is whether any overissued MA is subject to recovery.

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: Deb Bohlman, ESS

Fond Du Lac County Department of Social Services  
50 N Portland St  
Fond Du Lac, WI 54935

**ADMINISTRATIVE LAW JUDGE:**

Kelly Cochrane  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Fond Du Lac County.
2. On August 1, 2015 the agency issued a notice of decision to petitioner stating that effective August 1, 2015 he was enrolled the MA program MAPP. The notice restated petitioner's MA reporting requirements.

3. Petitioner began a new job on August 21, 2014. There is no record that this was reported to the agency, and therefore the income from the new job was not budgeted. The agency discovered the new job in February 2015 when it ran a new hire/state wage record search in the state data exchange.
4. By a notice dated March 30, 2015 the agency informed petitioner that he was overpaid the \$300 in MA due to premiums he would have owed for MAPP had his income been reported and budgeted correctly.

### DISCUSSION

The Department may recover any overpayment of MA that occurs because of the following:

1. A misstatement or omission of fact by a person supplying information in an application for benefits under this subchapter or s. 49.665 [BadgerCare].
2. The failure of a Medical Assistance or Badger Care 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.
3. The failure of a Medical Assistance or Badger Care 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); see also *Medical Eligibility Handbook (MEH)*, §22.2.1.1, available online at <http://www.emhandbooks.wi.gov/meh-ebd/>.

The MA recovery statute clearly provides for recovery of MA when a recipient fails to report income which would affect eligibility. The agency's right of recovery is against any MA recipient to whom or on whose behalf the incorrect payment was made. See Wis. Stat. §49.497(1)(b). The documents provided by the agency for hearing support the amount of the overpayment for the time periods in question. Petitioner has not rebutted the agency's case in any way. Therefore, I find that the agency correctly seeks to recover these benefits.

### CONCLUSIONS OF LAW

The petitioner was overissued MA that is subject to recovery in the amount of \$300.

**THEREFORE, it is**

**ORDERED**

The petition for review herein 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 1st day of June, 2015

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\sKelly Cochrane  
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 1, 2015.

Fond Du Lac County Department of Social Services  
Public Assistance Collection Unit  
Division of Health Care Access and Accountability