



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of:

Redact

DECISION

Redact

Redact

MGE/165366

PRELIMINARY RECITALS

Pursuant to a petition filed April 13, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Brown County Human Services ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on May 5, 2015.

The issue for determination is whether it was correct to deny petitioner's application for MA due to lack of verification.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

Redact (not present at May 5, 2015 Hearing)

Redact

Redact

Represented by:

Redact, petitioner's son & Power of Attorney ["POA"]

Redact

Redact

Respondent:

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

BY: Redact, ESS
Brown County Human Services
Economic Support-2nd Floor
111 N. Jefferson St.
Green Bay, WI 54301

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]; 94 years old) is a resident of Brown County, Wisconsin.
2. Petitioner applied with the County for MA.
3. Petitioner received a letter notice from the County dated March 10, 2015 and entitled *Notice of Proof Needed*; that letter directed petitioner to provide verification of several things, including verification of bank account information; the verification due date was March 19, 2015.
4. No verification was received by the March 19, 2015 due date.
5. The County denied petitioner's MA application due to petitioner's failure to provide verification by the due date.

**DISCUSSION**

Assets are required to be verified for MA (except for BadgerCare). Wis. Admin. Code § DHS 102.03(3)(h) (December 2008); *Medicaid Eligibility Handbook* ["MEH"], 20.3.1.4. MA must be denied when an applicant is able to produce required verification, has been provided adequate notice of the verification required, and refuses or fails to produce the required verification. Wis. Admin. Code § DHS 102.02 & 102.03(1) (December 2008); MEH 20.8.3. An applicant must be given a minimum of 10 calendar days to provide any necessary verification. MEH 20.7.1.1. In this case, petitioner was not given the required minimum of 10 calendar days (March 10, 2015 to March 19, 2015 is only 9 calendar days). Therefore, it was not correct to deny petitioner's MA application due to lack of verification.

**CONCLUSIONS OF LAW**

For the reasons discussed above, it was not correct to deny petitioner's application for MA due to lack of verification.

**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 process petitioner's MA application and send petitioner and petitioner's representative a written eligibility decision. The 10-day time period provided for in this Order may be extended if additional information is required from either petitioner or her representative.

**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 2nd 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 2, 2015.

Brown County Human Services  
Division of Health Care Access and Accountability