



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/168564

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 09, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Kenosha County Human Service Department in regard to Medical Assistance, a hearing was held on October 08, 2015, at Kenosha, Wisconsin.

The issue for determination is whether the Kenosha County Human Service Department (the agency) correctly ended the Petitioner BadgerCare+ benefits on August 1, 2015.

NOTE: The record was held open to give the Petitioner an opportunity to submit documentation of the income verification that he provided. The Petitioner submitted a packet that contained a transmission verification report dated September 8, 2015, with a copy of a receipt, a handwritten note, a transmission verification report dated October 1, 2015, a paystub dated September 23, 2015 and an employer verification of earnings form, dated October 1, 2015. The packet has been marked as Exhibit 6 and entered into the record.

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: Karen Mayer, Fair Hearing Coordinator  
Kenosha County Human Service Department  
8600 Sheridan Road  
Kenosha, WI 53143

**ADMINISTRATIVE LAW JUDGE:**

Mayumi M. Ishii  
Division of Hearings and Appeals

### FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Kenosha County.
2. On July 8, 2015, the Petitioner completed a FoodShare SMRF, and his case was noted as remaining open, but his healthcare was noted as closed due to no renewal. (Exhibit 2)
3. On July 24, 2015, the Petitioner contacted the agency asking why his healthcare benefits ended and was informed that he had not completed a renewal. The agency attempted to complete an interview, but the Petitioner was unable to do so, at that time. (Exhibits 2 and 3)
4. The agency processed a renewal for FoodShare and Healthcare on August 17, 2015 and attempted to contact the Petitioner to complete his interview. (Exhibit 2)
5. On August 18, 2015, the agency sent the Petitioner a notice, indicating that he needed to contact the agency by August 27, 2015 to complete his FoodShare interview and that he needed to provide income verification for his BadgerCare renewal. (Exhibit 4)
6. On August 28, 2015, the agency sent the Petitioner a notice indicating that his BadgerCare+ benefits would be ending because he did not provide the requested verification and that his FoodShare benefits would be ending, because he did not complete his interview. (Exhibit 5)
7. On September 8, 2015, the Petitioner provided one receipt for the week ending August 21, 2015, showing gross income of \$299.25. (Exhibit 6)
8. The Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on September 9, 2015. (Exhibit 1)

### DISCUSSION

“A renewal is the process during which you reexamine all eligibility factors subject to change and decide if eligibility continues. The group’s eligibility depends on its timely completion of a renewal.” *BadgerCare+ Eligibility Handbook (BEH) §26.1.1*

“Most health care renewals received within three months of the renewal month can be processed as a late renewal instead of requiring a new application.” *BEH §26.1.2*

“If verification is required during the completion of a late renewal, the member will have 10 days to provide it.” *Id.* See also *BEH §26.1.2.1*

In the case at hand, the agency requested verification of income on August 18, 2015. The stated due date was August 27, 2015. This is only nine days. Thus, the agency did not give the Petitioner the requisite 10 days to provide verification, before ending his benefits. *See example 1, under BEH §26.1.2.1:*

**Example 1:** Jenny’s renewal is due on January 31, 2015. She submits an online renewal via ACCESS on March 15, 2015. If the renewal is processed on the same day, and verification is requested, the verification will be due on March 25, 2015. If she provides verification on or before this due date and meets all other eligibility criteria for BadgerCare Plus, her eligibility and certification period will start on March 1, 2015. Her next renewal will be due February 28, 2016.

Consequently, the agency did not correctly end the Petitioner’s benefits, effective August 1, 2015.

If Exhibit 6, is not sufficient income verification, the agency will have to issue to the Petitioner a new notice of proof needed, giving him ten days to verify his income.

The agency will then have to make a new eligibility determination. If the Petitioner disagrees with that determination he will have to file a NEW appeal.

**CONCLUSIONS OF LAW**

The agency did not correctly end the Petitioner’s benefits, effective August 1, 2015.

**THEREFORE, it is ORDERED**

- 1) That the agency issue to the Petitioner a Notice of Proof needed giving him 10 (ten) days to provide income verification, if Exhibit 6 is not sufficient.
- 2) Immediately upon receipt of that verification, the agency shall determine the Petitioner’s eligibility for BadgerCare+ benefits, effective August 1, 2015, going forward.
- 3) The agency shall issue to the Petitioner a notice, in Spanish, advising him of its eligibility determination.
- 4) The agency shall take all administrative steps to complete these tasks within 15 days of this decision.

**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 23rd day of October, 2015

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\sMayumi M. Ishii  
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 23, 2015.

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