



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/168687

PRELIMINARY RECITALS

Pursuant to a petition filed September 09, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Shawano County Department of Social Services in regard to Medical Assistance, a telephone hearing was held on October 21, 2015.

The issue for determination is whether petitioner failed to verify income.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: 
Shawano County Department of Social Services
607 E. Elizabeth Street
Shawano, WI 54166-3105

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Shawano County.
2. Petitioner received BadgerCare Plus (BC+) MA until the respondent's action to close the case for failure to verify household income.
3. On June 24, 2015, the respondent sent petitioner a written verification request in regard to her household employment and income, to be returned by July 3, 2015.

4. The verification was not timely received. On August 14, 2015, verification was received by the respondent.

DISCUSSION

An MA recipient must complete periodic reviews to continue eligibility. Wis. Adm. Code, §DHS 102.04(3); BC+ Handbook, §26.1. The recipient is required to verify information that can affect eligibility. Wis. Adm. Code, §DHS 102.03. If the household fails to verify required information by the time limit, the agency may deny the benefits. Wis. Adm. Code, §DHS 102.03(1).

The Handbook, §9.11.4, provides as follows:

Deny or reduce benefits when all of the following are true:

1. The member has the power to produce the verification.
2. The time allowed to produce the verification has passed.
3. The member has been given adequate notice of the verification required.
4. You need the requested verification to determine current eligibility. Do not deny current eligibility because a member does not verify some past circumstance not affecting current eligibility.

In this case the respondent correctly denied BC+ as required. It notified petitioner of the required verification, and it did not receive the verification by the time limit. Petitioner did not request assistance.

Petitioner testified that her husband is a logger, and his income varies. She conceded that she did not contact the respondent after speaking with a worker in late June. She also stated that at this time there was a lot going on with her father's health, and her husband's employer wasn't available to fill out the Employer Verification form due to knee surgery. However, she did not communicate any of these difficulties to the respondent. I thus must conclude that the respondent correctly closed petitioner's BC+ benefits because petitioner did not complete her renewal by verifying her income.

CONCLUSIONS OF LAW

The respondent correctly closed petitioner's BC+ benefits because petitioner did not timely complete her renewal by verifying her household income.

THEREFORE, it is ORDERED

That the petition for review herein be and the same is hereby 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.

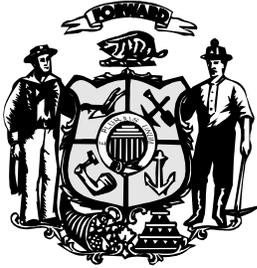
APPEAL TO COURT

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 Madison,
Wisconsin, this 24th day of November, 2015

\sPeter McCombs
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on November 24, 2015.

Shawano County Department of Social Services
Division of Health Care Access and Accountability