



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/169420

PRELIMINARY RECITALS

Pursuant to a petition filed October 13, 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 December 01, 2015, at Racine, Wisconsin.

The issue for determination is whether the agency properly discontinued the Petitioner's BC+ benefits effective December 1, 2015.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Rachel Petrick

Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Racine County.
2. On September 10, 2015, the Petitioner submitted a written statement to the agency reporting that her soon-to-be ex-husband moved in with her.

3. On September 16, 2015, the agency issued a Notice of Proof Needed to the Petitioner requesting verification of her household composition. The due date for the information was September 25, 2015.
4. On September 28, 2015, the agency issued a Notice of Decision to the Petitioner informing her that her BC+ benefits would end effective November 1, 2015 due to not providing requested information.
5. On September 28, 2015, the Petitioner submitted a copy of her residential lease from July 1, 2015 – June 30, 2016. Petitioner's husband [REDACTED] was listed as a tenant.
6. On October 7, 2015, the Petitioner reported employment with [REDACTED] and [REDACTED]. On October 8, 2015, the agency issued a Notice of Proof Needed to the Petitioner requesting verification of employment and income from [REDACTED] and [REDACTED], and information regarding utility expenses. The due date for the information was October 19, 2015.
7. On October 20, 2015, the agency issued a Notice of Decision to the Petitioner informing her that her BC+ benefits would end effective November 1, 2015 for failure to provide requested information.
8. On October 13, 2015, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

Proof of certain information is required to determine eligibility for BadgerCare Plus. Mandatory and questionable items must be verified at application, renewal, person addition or deletion, or when there is a change in circumstance that affects eligibility or benefit level. Case files or case comments must include documentation for any information required to be verified to determine eligibility or benefit levels. BC+ Handbook, § 9.1. Eligibility may be denied the 10th day after the agency requested verification if the requested information is not provided. BC+ Handbook, § 9.2.

At the hearing, the Petitioner conceded she did not provide the requested information regarding her living arrangement with her husband, her income/employment information and her utility expense information. She testified that as of mid-November, her ex-husband no longer lives with her. She had not been able to submit verification of her rent and living arrangement because her landlord did not change the lease to include her name. With her ex-husband moving out, she will be able to get a lease in her name.

With regard to employment/income verification, the Petitioner testified that she works 33 – 35 hours/week at [REDACTED] but does not get a paper pay statement so she had nothing to submit to the agency. She stated that she does not have a printer at home so she could not print her statements. The agency representative advised the Petitioner that there are printers available at the agency for her to print statements and submit verifications.

Based on the evidence provided, I conclude that the agency properly discontinued the Petitioner's BC+ benefits effective November 1, 2015 for failure to provide required information regarding employment/income and household composition. This decision does not prohibit the Petitioner from re-applying for BC+.

CONCLUSIONS OF LAW

The agency properly discontinued the Petitioner's BC+ benefits effective November 1, 2015 for failure to provide required information regarding employment/income and household composition.

THEREFORE, it is

ORDERED

That the Petitioner's appeal 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 6th day of January, 2016

\sDebra Bursinger
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 January 6, 2016.

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