



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of:

[Redacted]
[Redacted]
[Redacted]
[Redacted]

DECISION

BCS/171569

PRELIMINARY RECITALS

Pursuant to a petition filed January 19, 2016, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services [MiLES] in regard to Medical Assistance [“MA”], a Hearing was held via telephone from Madison, Wisconsin on February 16, 2016.

The issue for determination is whether it was correct to deny petitioner’s September 23, 2015 application for BadgerCare Plus Medical Assistance [“BC+”] due to lack of verification.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
[Redacted]
[Redacted]
[Redacted]

Respondent:

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

BY: [Redacted] [Redacted], HSPC, Senior
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]; 35 years old) is a resident of Milwaukee County, Wisconsin.
2. On September 23, 2015 petitioner applied for BC+ via an online *Access* application; MiLES processed her application on October 8, 2015. Exhibit #2.
3. MiLES mailed petitioner a written request for verification of people living in her home dated October 9, 2015 and entitled *Notice of Proof Needed*; the verification was due back to the County by October 19, 2015. Exhibit #3.
4. Petitioner never received the October 9, 2015 *Notice of Proof Needed*.
5. On October 19, 2015 MiLES denied petitioner's September 23, 2015 application for BC+ due to lack of verification.

DISCUSSION

BC+ 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); *Medicaid Eligibly Handbook* ["MEH"] 20.8.3; *BadgerCare Plus Eligibly Handbook* ["BC+ Handbook"] 9.11.14. An applicant must be given a minimum of 10 calendar days to provide any necessary verification. MEH 20.7.1; BC+ Handbook 9.3.

In this case petitioner never received the October 9, 2015 *Notice of Proof Needed*. Petitioner's testimony in this regard is credible. Therefore, it not was correct to deny petitioner's September 23, 2015 application for BC+ due to lack of verification.

CONCLUSIONS OF LAW

For the reasons discussed above, it not was correct to deny petitioner's September 23, 2015 application for BC+ due to lack of verification.

NOW, THEREFORE, it is

ORDERED

That this matter be REMANDED to MiLES, that MiLES not deny, due to lack of verification, petitioner's September 23, 2015 application for BC+, and that, within 10 days of the date of this *Decision*, MiLES complete processing of petitioner's September 23, 2015 BC+ application and issue all BC+ benefits (if any) for which petitioner is otherwise eligible. The 10-day time period in this *Order* may be extended if verification is still required from petitioner -- but it may only be extend by the number of days between the time MiLES requests verification in writing and the time petitioner provides the requested verification to MiLES.

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 29th day of March, 2016

\sSean P. Maloney
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 March 29, 2016.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability