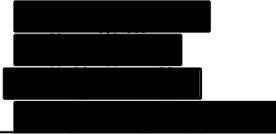




STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MGE/172823

PRELIMINARY RECITALS

Pursuant to a petition filed March 14, 2016, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Barron County Department of Human Services in regard to Medical Assistance (MA), a hearing was held on April 22, 2016, at Barron, Wisconsin.

The issue for determination is whether the department correctly denied medical assistance to the petitioner because he failed to verify his income.

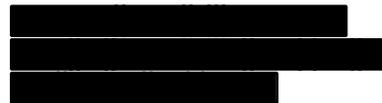
There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Petitioner's Representative:



Respondent:

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

By: [Redacted]

Barron County Department of Human Services
Courthouse Room 338
330 E Lasalle Ave
Barron, WI 54812

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. The petitioner (CARES # [Redacted]) is a resident of Barron County.

2. The petitioner applied for medical assistance on January 19, 2016. He seeks benefits retroactive to December 1, 2016. The county agency denied his application because he
3. The county agency requested disclosure of an annuity on February 10, 2016.
4. The petitioner through his attorney, who is competent in elder law matters, sought clarification on the requested annuity information multiple times from the CDPU. The CDPU never responded to these requests.
5. The county agency now has all of the information it needs concerning the petitioner's annuity to make a decision.

DISCUSSION

Medicaid applicants must verify relevant information within 10 days of when the information is requested. But the agency cannot deny benefits if the recipient is incapable of obtaining the verification or needs help getting it. Wis. Admin. Code, § DHS 102.03(1). Workers are instructed: "Assist the member in obtaining verification if he or she requests help or has difficulty in obtaining it." *Medicaid Eligibility Handbook*, § 20.1.4.

The petitioner applied for medical assistance in January 2016, seeking benefits retroactive to December 1, 2015. He received a request to verify his information. His attorney, [REDACTED], asked the Central Data Processing Unit for clarification more than once concerning the verification needed for some annuities. The CDPU never responded. Eventually, Mr. [REDACTED] did provide the county the information it was looking for, but by then it determined that the verification was late and denied the application.

Although the CDPU is not a government agency, it does the work of a government agency. Unless it is held to the same standard as a government agency, the rules and policies meant to ensure that persons who have trouble complying with verification can still receive benefits will become meaningless. I do not fault the agency worker, but the petitioner did provide the needed information once he and his attorney understood what was being asked for. Based upon this, I find that the agency cannot deny benefits for lack of verification.

CONCLUSIONS OF LAW

The county agency cannot deny the petitioner's medical assistance application for failing to verify an annuity because the Central Data Processing Unit did not respond to requests that it clarify the information it sought.

THEREFORE, it is

ORDERED

That this matter is remanded to the county agency with instructions to continue processing the petitioner's application and determine within 10 days whether he is eligible for benefits retroactive to December 1, 2015. If it determines he is eligible for benefits, it shall take all steps necessary to ensure his eligibility within 10 days of the date of this decision. If it finds him ineligible, he may file a new appeal.

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.

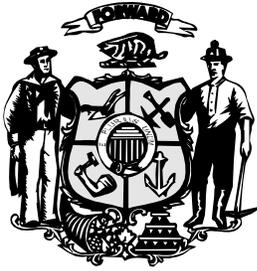
APPEAL TO COURT

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 27th day of May, 2016

\sMichael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on May 27, 2016.

Barron County Department of Human Services
Division of Health Care Access and Accountability
Attorney [REDACTED]