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To: Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff

From: Rebecca McAtee, Bureau Director
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**Change in Policy for Gap Filling Eligibility Determinations**

**CROSS REFERENCE**
- Operations Memo [16-35](16-35)
- BadgerCare Plus Eligibility Handbook, [Section 16.9 Gap Filling](Section 16.9 Gap Filling)

**EFFECTIVE DATE**
Immediately July 28, 2017

**PURPOSE**
The purpose of this Operations Memo is to announce a change in policy for gap filling eligibility determinations. Effective immediately, applicants and members can receive a gap filling eligibility determination regardless of whether the income maintenance (IM) agency has received a gap filling referral from the Federally Facilitated Marketplace (FFM, also known as the Exchange or the Marketplace) or the person has a denial letter from FFM. This includes people who were terminated from BadgerCare Plus due to excess monthly income. In addition, IM workers must complete gap filling eligibility determinations if it is apparent that someone who is ineligible due to excess monthly income would be eligible under gap filling rules, even if the person has not requested a gap filling eligibility determination.

**BACKGROUND**
The FFM offers private health insurance to individuals and families. They can purchase insurance with the help of advance premium tax credits, which lowers the premium payment for people who have an income between 100% and 400% of the federal poverty level (FPL) and who are not eligible for BadgerCare Plus or Medicaid. Eligibility for advance premium tax credits is determined under IRS 36B rules, which are similar, but not identical, to the rules used to determine BadgerCare Plus eligibility.
For example, annual income is used when determining eligibility under IRS 36B rules, while monthly income is used for BadgerCare Plus. As a result, a determination made under IRS 36B rules could find a person's annual income to be less than 100% of the FPL and a determination for the same person for BadgerCare Plus may find the current monthly income to be more than 100% of the FPL.

Due to this difference in eligibility rules, a person could be found ineligible for both BadgerCare Plus and advance premium tax credits. These people fall into a “gap” and their only option is to pay for the full cost of private health insurance through FFM. To resolve the gap issue, federal regulations at 42 CFR 435.603(i) require a redetermination of eligibility for these people using IRS 36B rules that use annual income. The Centers for Medicare and Medicaid Services (CMS) has directed states to complete a redetermination for such people when an account transfer with a gap filling indicator is received.

Beginning in May 2016, IM agencies have received account transfers with a gap filling indicator to signify if it should be considered for BadgerCare Plus using gap filling rules. Based on the direction from CMS, states only needed to consider eligibility under gap filling rules for account transfers that had this indicator.

However, due to recent fair hearing decisions and a misalignment between individuals who fall into the gap and individuals who have a gap filling indicator on their account transfers, applicants are no longer required to have a gap filling referral from FFM or a letter from FFM stating they are not eligible for advance premium tax credits in order to receive a gap filling eligibility determination. Recent fair hearing decisions have also indicated that BadgerCare Plus overpayments may not be established until the IM agency has evidence that the individual’s annual income is more than 100% of the FPL for the calendar year in which the overpayment is being established.

**POLICY**

IM agencies must complete a gap filling determination based on expected annual income when the applicant or member is ineligible due solely to excess monthly income and if any of the following conditions apply:

- The applicant or member requests a gap filling determination.
- It is apparent to the IM agency, based on information reported or available through data exchanges, that the applicant or member would meet the criteria for gap filling.
- The IM agency receives an account transfer with a gap filling indicator from FFM.
- The applicant or member has a denial letter from FFM stating he or she may be eligible for BadgerCare Plus.

There is no change to the current process or policy for determining eligibility for BadgerCare Plus under gap filling rules. To qualify under gap filling rules, applicants or members must meet all nonfinancial rules for BadgerCare Plus and must have been denied or terminated from BadgerCare Plus due solely to excess monthly income. Refer to BadgerCare Plus Eligibility Handbook, Section 16.9.2 Determining Annual Income for Gap Filling Referrals for more detailed information on determining eligibility based on annual income.
**SENDING GAP FILLING CERTIFICATIONS OR TERMINATIONS TO EM CAPO**

IM agencies should continue to contact the Enrollment Management Central Application Processing Operation (EM CAPO) to certify gap filling members for BadgerCare Plus. There is a new email inbox for gap filling certifications. IM agencies should use the following email address when sending requests for gap filling certifications or terminations: **DHSGapFilling@dhs.wisconsin.gov**.

There is also no change to the current process for contacting the Enrollment Management Central Application Processing Operation (EM CAPO) to certify gap filling members for BadgerCare Plus. The EM CAPO certifies the member’s BadgerCare Plus eligibility until the end of the calendar year and is responsible for sending the appropriate Notices of Decision when eligibility begins and ends. To support EM CAPO in providing adequate notices to individuals with eligibility based on gap filling, IM agencies must include the monthly income upon which the original BadgerCare Plus denial was based. The monthly income amount is in addition to the requirements outlined in **BadgerCare Plus Eligibility Handbook, Section 16.9.1.1 Individuals Found Eligible Under Gap Filling Rules**, including the name of the eligible individual(s), assistance group size, expected annual income, eligibility begin and end months, and med stat code.

In addition, if a member enrolled under gap filling rules reports to an IM agency that he or she has exceeded the annual income limit during the gap filling certification period, the IM agency must provide the member’s new reported annual income amount to EM CAPO when requesting that the member be terminated from gap filling.

Refer **BadgerCare Plus Eligibility Handbook, Section 16.9 Gap Filling** for more detailed information about this process.

**GAP FILLING REQUESTS FROM APPLICANTS AND MEMBERS**

Effective immediately, applicants may receive gap filling eligibility determinations even if they do not have a gap filling indicator from FFM or a denial letter from FFM. This means applicants and members can receive a gap filling eligibility determination any time they are terminated or denied due to excess monthly income.

**Example 1:** Monica submits a BadgerCare Plus application on July 24, 2017. She reports that she started a seasonal job in June and states that it will end in September. She earns $1,500 per month and has no other source of income. She believes her income might be over the monthly limit, but likely will be below the annual limit. She contacts the IM agency to request a gap filling eligibility determination. Based on her monthly income, Monica is over the limit for BadgerCare Plus. However, her expected annual income for 2017 is $6,000 (employment wages from June to September). Because her annual income is expected to be at or below 100% of the FPL, Monica is eligible for BadgerCare Plus under gap filling rules.

When an applicant or member has requested a gap filling eligibility determination and has been found eligible, workers should follow the steps outlined in **BadgerCare Plus Eligibility Handbook, Section 16.9.1.1 Individuals Found Eligible Under Gap Filling Rules**. The EM CAPO will then manually certify eligibility and send the appropriate notice.
When the applicant or member has requested a gap filling eligibility determination and has been found ineligible under gap filling rules, workers must do the following:

1. Document in case comments the income used to make the determination and how that income was calculated.
2. Confirm the denial or termination in CARES Worker Web (CWW) based on monthly income to send out the Notice of Decision. Send out the manual letter Member Request Gap Filling Eligibility Determinations Supplemental Letter (F-01915A), which provides more information about the denial and next steps. This letter must be documented in case comments and a copy of the letter must be scanned to the Electronic Case File.

**BACKDATED ELIGIBILITY REQUESTS**

Certain applicants can request up to a three-month backdate on their initial application. Members who are already eligible for BadgerCare Plus can request up to a three-month backdate anytime during their eligibility period as long as they have not been previously approved or denied for a backdated period. Gap filling policies also apply to eligibility for backdated months.

If an individual has been denied previously for backdated coverage solely due to excess income, IM agencies must review eligibility for those backdated months using gap filling rules at the member’s request. However, if an individual has been denied previously for backdated coverage for another reason, such as failure to verify income, the IM agency should not reconsider eligibility under gap filling rules. For more details on backdated eligibility, refer to BadgerCare Plus Handbook, Section 25.8.1 Begin Dates.

When determining eligibility for backdated months under regular BadgerCare Plus budgeting rules, IM agencies should continue to use actual income. When determining eligibility for backdated months under gap filling rules, IM agencies should assess expected annual income using the same process used for non-backdated months.

**Example 2:** AJ applies for BadgerCare Plus on September 27, 2018. He reports he was laid off from his job due to an injury he sustained in August that prevented him from working. AJ requests a one-month backdate to get coverage for his medical bills and reports he does not anticipate any additional income for the rest of the year since he is unable to work and doesn’t qualify for unemployment. In September 2018, he received his final paycheck in the amount of $1,150. Under his previous employment, he earned $1,200 per month and was employed January through August, during which time he earned a total of $9,600.

Based on his monthly income, AJ is over the income limit for BadgerCare Plus for the months of August and September. His annual income is expected to be $10,750 ($9,600 for the months of January through August plus $1,150 for September) which is below 100% of the annual FPL. AJ is eligible for BadgerCare Plus under gap filling rules for his backdated request month of August 2018 and September and ongoing.

Depending on when the initial application was filed, backdated eligibility months may fall in different tax years. When evaluating gap filling eligibility, workers may need to do additional research in order to determine annual income for the each tax year corresponding to the backdated month(s) requested. Workers should continue to use available data exchanges, such as the Federal Data Services Hub
(FDSH), the quarterly State Wage Information Collection Agency (SWICA) match, Social Security Administration and Unemployment Compensation (UC), whenever possible to determine annual income. When determining annual income, workers may use SWICA matches, if available, to verify income for quarters that have already passed. As with non-backdated eligibility months, if the worker cannot verify all reported income through data exchanges, the worker must request verification from the member.

**Example 3:** Crystal applied for and was determined eligible for BadgerCare Plus effective February 1, 2018. She contacts the IM agency in April 2018 to see if she is eligible for coverage back to December 1, 2017. Crystal had previously reported no income for the month of January 2018. The worker finds no information contrary to what Crystal reported. She is determined eligible for backdated benefits for the month of January 2018.

However, Crystal reported that she received unemployment benefits in 2017 and had a seasonal job from November 1 through December 31, 2017, with her last paycheck received on December 31, 2017. Crystal reports she earned $2,000 from the seasonal job and received a lump sum payment of $500 for December. Based on her monthly income ($2,500), she is not eligible for BadgerCare Plus for December 2017.

The worker checks Crystal’s annual income for 2017 to see if she may be eligible based on annual income. A SWICA match shows that she earned a total of $3,995 during the fourth quarter of 2017. The unemployment compensation query shows that Crystal received a total of $3,200 in unemployment benefits during 2017. Her annual income for 2017 is $7,695 ($3,995 from wages earned, $3,200 from unemployment benefits and $500 lump sum payment). Her annual income for 2017 is below 100% of the FPL. Crystal is eligible for backdated benefits under gap filling rules for December 2017.

**Example 4:** Dennis applies for BadgerCare Plus on January 23, 2018, and requests a three-month backdate. He reports he was fired from his job at Target in January and started receiving $275 per week in unemployment with one check received in January and $6,500 remaining to be paid. His final paycheck was received in January and his total gross earned income for January was $1,200. He states that he had started his job at Target in September 2017 and had worked for a small construction company earlier in 2017. Dennis provides verification of his January 2018 income. SWICA verifies his earnings received in 2017 from Target but does not show any other earnings. Dennis does not verify his income from the construction company.

Based on his monthly income for January ($1,200 earnings plus $275 unemployment), Dennis is over the income limit for BadgerCare Plus. His expected annual income for 2018 is $7,975 ($1,475 for January and $6,500 remaining UC) and is below 100% of the annual FPL. Dennis is eligible for BadgerCare Plus under gap filling rules for January 2018 and ongoing, but is denied for the backdated months for not verifying income.

In March 2018, Dennis asks if he can still verify his 2017 income and be tested for eligibility under gap filling rules for October – December 2017. Because he previously requested backdated eligibility for those months and was denied due to lack of verification, he cannot re-request eligibility for the same months. This would be treated as a new request and, if he provides verification, he could be eligible back to December 2017.
When an applicant or member is found eligible under gap filling rules for a backdated period, workers must follow the steps outlined in BadgerCare Plus Eligibility Handbook, Section 16.9.1.1 Individuals Found Eligible Under Gap Filling Rules. The email to the EM CAPO must include the backdated eligibility period so EM CAPO can manually certify eligibility for any backdated and/or ongoing eligibility periods and send the appropriate notice.

When the applicant or member has requested a gap filling eligibility determination for a backdated period and has been found ineligible under gap filling rules, workers must do the following:

1. Document in case comments the income used to make the determination and how that income was calculated.
2. Confirm the denial or termination in CARES Worker Web (CWW) based on monthly income and send the Notice of Decision.

**WORKER INITIATED GAP FILLING DETERMINATIONS**

If it is apparent that a person is ineligible for BadgerCare Plus because of excess monthly income but would be eligible based on annual income, workers must complete a gap filling determination prior to denying or terminating eligibility and must not require a request from the applicant or member to complete the gap filling eligibility determination.

**Example 5:** Kyle has been enrolled in BadgerCare Plus since April 2017. At the time of his enrollment, he reported his employment ended last February and he filed for unemployment, but he has not yet heard if he qualifies. When processing the application, the worker noted in case comments that Kyle had consistent wages from a job he had in 2016, but his wages for the first quarter of 2017 were $2,200, which was significantly lower than his wages from the third and fourth quarters of 2016.

On July 25, Kyle contacts the IM agency to report that he started receiving unemployment in the amount of $1,300 per month. The unemployment query confirms that Kyle received unemployment compensation beginning July 1, 2017, in the amount of $1,300 per month. He will receive $7,800 for the months of July through December. Based on his monthly income, he would be over the limit for BadgerCare Plus. However, the worker believes that Kyle may still be eligible under gap filling rules based on his expected annual income which is $10,000 ($2,200 in wages from the first quarter and $7,800 from anticipated unemployment benefits from July to December). His annual income is expected to be at or below 100% of the FPL, so Kyle would be eligible for BadgerCare Plus under gap filling rules.

**Example 6:** Samantha applies for BadgerCare Plus on August 21, 2017, and reports she will begin receiving Social Security Disability Insurance (SSDI) payments in the amount of $1,400 per month beginning in September. Employment queries show that Samantha has not earned any wages for 2017. Samantha will be eligible BadgerCare Plus for August, but ineligible for September due to her monthly income exceeding 100% of the FPL. Since Samantha had no other income in 2017, the worker believes that Samantha may be eligible for BadgerCare Plus under gap filling rules. Her expected annual income for 2017 is $5,600 (SSDI income in the amount of $1,400 per month from September to December). Her annual income is expected to be at or below 100% of the FPL, so Samantha is eligible for BadgerCare Plus under gap filling rules.
When the IM agency has initiated a gap filling determination and the person has been found eligible, workers should follow the steps outlined in BadgerCare Plus Eligibility Handbook, Section 16.9.1.1 Individuals Found Eligible Under Gap Filling Rules. The EM CAPO will then manually certify eligibility and send the appropriate notice.

When the IM agency has initiated a gap filling determination and the person has been found ineligible under gap filling rules, workers must do the following:
1. Document in case comments the annual income used to make the determination and how that income was calculated.
2. Confirm the denial or termination in CWW based on monthly income to send out the Notice of Decision. No additional letter regarding the annual income determination is required in this situation.

**GAP FILLING REFERRALS FROM THE FEDERALLY FACILITATED MARKETPLACE**

IM agencies must continue to process any applications received from FFM with a gap filling indicator.

When a person with a gap filling indicator has been found eligible under gap filling rules, workers should follow the steps outlined in BadgerCare Plus Eligibility Handbook, Section 16.9.1.1 Individuals Found Eligible Under Gap Filling Rules. The EM CAPO will then complete the manual certification and send the appropriate notice.

When a person with a gap filling indicator has been found ineligible based on gap filling rules, workers must do the following:
1. Document in case comments the income used to make the determination and how the amount was calculated.
2. Confirm the denial or termination in CWW based on monthly income to send out the Notice of Decision. Send out the manual letter *Marketplace or Indicator Gap Filling Eligibility Determinations Supplemental Letter (F-01915)*, which provides more information about the denial and next steps. This should be documented in case comments and a copy of the letter scanned to the Electronic Case File.

**SUPPLEMENTAL LETTERS**

The *Member Request Gap Filling Eligibility Determinations Supplemental Letter (F-01915A)* is a new letter that must be used for gap filling denials if both of the following conditions apply:
- The applicant or member requests a gap filling determination.
- The applicant or member does not have a gap filling indicator or a denial letter from FFM.

The *Marketplace or Indicator Gap Filling Eligibility Determinations Supplemental Letter (F-01915)* is an existing letter that must be used for gap filling denials when either of the following conditions applies:
- The IM agency processes an application for someone with a gap filling indicator.
- The applicant has received a denial letter from FFM.

**Example 7:** Byron has been enrolled in BadgerCare Plus as a childless adult since October 2017. At the time of his enrollment, Byron had no income. In March 2018, he began receiving SSDI income in the amount of $1,400. Since he is over the monthly income limit, Byron’s BadgerCare Plus eligibility ends on April 30, 2018, and he is sent a Notice of Decision. He contacts the IM agency on May 3, 2018, to
request a gap filling eligibility determination. His anticipated income is $14,000 (SSDI income in the amount of $1,400 per month for the 10 months from March to December). Since his annual income is expected to exceed 100% of the FPL, Byron is not eligible for BadgerCare Plus under gap filling rules. The worker confirms the denial in CWW and sends out the Member Request Gap Filling Eligibility Determinations Supplemental Letter (F-01915A).

Example 8: Megan’s application has an August, 1, 2017, filing date and is sent with the Gap Filling Indicator. She reports that she is currently receiving unemployment in the amount of $1,452 per month. When processing the application, the worker notes Megan earned wages in the amount of $5,000 for the first quarter of 2017. The unemployment query shows that she was fired in February 2017 and that she started receiving unemployment compensation on March 1, 2017. Based on income she has already received in 2017 ($5,000 in wages plus $7,260 in unemployment from March to July), she has already received $12,260 this year, which is over 100% of the FPL for a group of one, so Megan does not meet gap filling rules. Megan is not eligible for BadgerCare Plus. The worker confirms the denial in CWW and sends out the Marketplace or Indicator Gap Filling Eligibility Determinations Supplemental Letter (F-01915).

CONSIDERING GAP FILLING ELIGIBILITY WHEN DETERMINING OVERPAYMENTS FOR BADGERCARE PLUS

When reviewing a case for any potential overpayments for health care, including those established for benefit months after the implementation of modified adjusted gross income (MAGI) rules on or after February 1, 2014, but before the publication of this Memo, IM agencies must assess whether the person could have been eligible in any other category qualify for any type of Medicaid eligibility before issuing an overpayment. Since gap filling is considered a category type of Medicaid eligibility, IM agencies must assess whether the person could have been eligible for BadgerCare Plus under gap filling rules during the overpayment period. If the person could have been eligible under gap filling rules for the overpayment period, he or she should not be subject to an overpayment, even if he or she failed to report a change in monthly income or other household circumstances. The person does not have to have a denial letter from the FFM or a gap filling indicator to have his or her eligibility during the overpayment period considered under gap filling rules.

For any past overpayments in which MAGI rules for BadgerCare Plus were in effect and the member believes he or she would have been eligible for BadgerCare Plus based on annual income, the IM agency must review the past overpayment at the member’s request.

Example 9: Mason became eligible for BadgerCare Plus as a childless adult in January 2017 and had no countable income. When he completed his renewal in December 2017, Mason reported he started working in September. Verification shows that he works 30 hours per week and earns $10.00 per hour, so his counted income is $1,200 per month. Although Mason exceeded his reporting limit of $1,005 per month, the worker must look at what would have happened had he reported the change timely when the worker determines if an overpayment has occurred.

The worker finds that if he had reported the change timely, Mason would have been over income based on his monthly income. However, Mason would have been eligible under gap filling rules based on his annual income of $4,800 ($1,200 per month from September to December), so there is no overpayment.
When researching a potential overpayment due to excess monthly income for the current calendar year, IM agencies must be able to determine if the individual has surpassed 100% of the FPL based on annual income. IM agencies may use data exchanges, including SWICA information, for purposes of determining that someone’s actual annual income has surpassed 100% FPL in a calendar year.

If the individual’s annual income has not yet surpassed 100% of the FPL, the IM agency will need to manually track the case until it can be determined that the individual has surpassed the annual income limit based on his or her actual income and not projected income.

Depending on the situation, the overpayment may be established during the current year or the IM agency must wait until the end of the calendar year when actual income for the entire year becomes available. Until CWW can be enhanced, the worker must track these cases manually to review for an overpayment.

Note: Workers should not enter Expected Changes in CWW because alerts are not generated for closed cases. Even if another program is open on the case, entering Expected Changes would not be recommended since the program could close prior to the time when the case must be reviewed for the potential overpayment.

**Example 10:** Richard became eligible as a childless adult in March 2016 and had no countable income. At his renewal in February 2017, Richard reports that he has been working since April 2016. Verification shows that Richard’s salary of $2,500 per month came to a countable income total of $22,500. Although Richard failed to report that he exceeded the income limit of $990 in April 2016, the worker must look at what would have happened had he reported the change timely when determining whether an overpayment occurred.

The worker finds that Richard was required to report his change in income no later than May 10, 2016. Since verification of his actual income for the year 2016 shows that he was over the annual income limit for gap filling, there is an overpayment for June 1 – December 31, 2016.

The worker then evaluates the overpayment for January and February 2017. So far in 2017, Richard has only received $5,000 in countable income. Because the IM agency does not have any information to indicate that Richard’s job will not continue for the rest of 2017, he would not be found eligible under gap filling rules. However, for benefit recovery purposes, he has not yet exceeded the 100% FPL annual income limit of $12,060 for 2017, so the IM agency cannot say definitively that he would not have been eligible under gap filling rules. The worker may not establish an overpayment for any months in 2017 until Richard’s income has been found to be over the annual limit for gap filling coverage. The worker must manually track the case and review the case in January 2018.

In January 2018, the worker reviews Richard’s case for a potential overpayment from January 1 – February 28, 2017, and determines his annual income. His earned wages in the amount of $6,700 for the first quarter of 2017, $5,100 for second quarter of 2017, and $4,250 for the third quarter of 2017. His fourth quarter wages have not been updated yet. Based on the information available, Richard has surpassed the annual income limit for 2017. His total wages earned up until third quarter of 2017 total $16,050. There is an overpayment for the period of January 1 – February 28, 2017.
Example 11: Kimmy was eligible as a childless adult beginning in October 2016. In August 2017, the worker is processing a discrepancy created in July 2017 showing that Kimmy has unreported wages from the first quarter of 2017. The worker requests verification from Kimmy, which shows that she works 32 hours per week and earns $15 per hour for a total of $1,920 per month. Had Kimmy reported her income timely by February 10, 2017, she would have been over the monthly income limit for BadgerCare Plus. SWICA shows that Kimmy has already earned $13,700 for 2017.

Since the worker has evidence that Kimmy has surpassed the annual income limit for 2017 ($12,060), the worker can proceed right away with establishing an overpayment for March 1 – June 30, 2017.

While waiting to verify if an individual has surpassed the annual income limit for a potential overpayment, the individual could experience changes in circumstances, including but not limited to changes in income or changes in household size. These changes in circumstances must be taken into consideration at the point in which a potential overpayment is being determined. If more up-to-date information is available at the time of determining an overpayment, the IM agency must use the new information in the determination.

Example 12: Delia was eligible for BadgerCare Plus effective February 1, 2017, as a childless adult with an assistance group size of one. In August 2017, she reports that her 8-year-old daughter, Zoe, has moved into the household and she plans to claim Zoe as a tax dependent. Beginning September 2017, Delia is determined eligible as parent/caretaker adult with an assistance group size of two.

In February 2018, the worker is reviewing a SWICA discrepancy showing that Delia began a job in March 2017 and never reported it to the IM agency. The worker verifies that Delia’s income is over the monthly income limit for April – November 2017, and sees that she had an annual income total of $14,700 for 2017. For part of that period, Delia was only in a group size of one and surpassed the 2017 annual income limit ($12,060) for a group size of one. However, beginning in September 2017, Delia’s group size increased when Zoe was added to the case. Taking into consideration the change in group size during the overpayment period and Delia’s annual income ($14,700) compared to the 2017 annual FPL for a group size of two ($16,240), there is no overpayment since Delia will be ending the tax filing year with a group size of two and is below the annual income limit for a group size of two.

If a gap filling eligibility determination was completed and an overpayment still exists, workers must thoroughly document and submit all information used to complete the determination with the overpayment claim, including evidence that the individual’s annual income was more than 100% FPL for the calendar year.

ADJUSTING PREVIOUSLY ESTABLISHED OVERPAYMENT CLAIM(S) DUE TO GAP FILLING ELIGIBILITY

If an overpayment claim(s) for BadgerCare Plus has already been established and the IM agency discovers that the individual was eligible under gap filling rules at any point during the overpayment period, the claim must be adjusted.

IM agencies may make adjustments to the claim amount up to 60 days after the original claim notice was sent. See Process Help, Section 31.3.6.3 Things to Note. After 60 days, the IM agency must submit
the required adjustment form to the Public Assistance Collection Unit (PACU) in order to adjust the claim amount. For a complete write-off of claim(s), the required form must be sent to PACU.

To submit a request for write-off or adjustment to an overpayment claim(s) due to gap filling:

1. Gather all supporting documentation as to why the claim should be written off or adjusted. This should include documentation of how the IM agency determined the individual is eligible under gap filling rules. Supporting documentation is required in order to track and document financial processing.
2. Complete the Request for Write-off or Adjustment Form (DCF-F-140-E).
3. The write-off or adjustment form must state the request is due to gap filling.
4. Submit the form and any supporting documentation by email to PACU at DWSPACU@wisconsin.gov or by fax number at 608-266-8302. Instructions on where to submit the form are also included on the form itself.

Within five business days, PACU will review the request and any supporting documentation to determine if the write-off or adjustment documentation is complete. If the documentation meets the requirements for write-off or adjustment, PACU will adjust the overpayment claim as requested and send a confirmation to the sender. If the documentation does not meet the requirements, PACU will return the documentation to the sender as denied or request additional information. Certain claims may require additional documentation in order to justify the write-off or adjustment or provide a refund to an individual.

CHANGES TO OVERPAYMENT CLAIM(S) DUE TO FAIR HEARING DECISIONS

If the Fair Hearing decision orders a recalculation of the overpayment amount relating to gap filling eligibility, IM agencies will need to complete the recalculation of the overpayment amount and if applicable, submit the Request for Write-off or Adjustment Form (DCF-F-140-E) and any supporting documentation within 10 days, as required by the decision.

PACU directly receives the overpayment-related fair hearing decisions from the Division of Hearings and Appeals (DHA). If the decision orders a remand to rescind the entire overpayment claim or provides the exact adjustment amount, PACU will make the adjustment upon receipt of the decision from DHA. IM agencies should review the claim prior to submitting the form to see if the claim has already been adjusted. If the claim has already been adjusted, the Write Off or Adjustment form is unnecessary.

For all adjustments and/or write-offs related to fair hearing decisions, PACU will update the claim(s) and send the appropriate certification to DHA.

CARES

There is no change to CARES associated with this Memo.

CONTACTS

BEPS CARES Information and Problem Resolution Center

DHS/DMS/BEPS/PJH