



FH

STATE OF WISCONSIN Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: WFC - 215794

PRELIMINARY RECITALS

Pursuant to a petition filed on November 4, 2024, under Wis. Admin. Code §HA 3.03 (1), to review a decision by the Division of Medicaid Services regarding Medical Assistance (MA), a hearing was held on December 18, 2024, by telephone.

The issue for determination is whether the Division of Medicaid Services properly denied an application for the Wisconsin Funeral and Cemetery Aids Program to pay \$1,000 towards the cost of [REDACTED]'s cemetery services.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner's Representative:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Sara Warwick
Division of Medicaid Services
PO Box 309
Madison, WI 53701-0309

ADMINISTRATIVE LAW JUDGE:

Teresa A. Perez
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner was a resident of Marathon County. She died on September 7, 2024.
2. The Division of Medicaid Services (“the agency”) received three Wisconsin Cemetery and Funeral Aids Program (“WFCAP”) applications from [REDACTED] (“the requesting cemetery”) each of which requested a \$1,000 payment for Petitioner’s cemetery expenses.
3. The first application was submitted on September 9, 2024 and reported total cemetery expenses of \$1,505. Documentation submitted with the application (“Authorization for Interment, Entombment, Inurnment”) identified the \$1,505 as a charge for opening and closing of the grave. However, an invoice submitted with the application indicated that a \$475 expense for “ground interment” (i.e., a plot) had also been purchased on February 21, 1985; the total cemetery expenses documented therefore exceeded the \$1,505 reported in the application.
4. The agency located additional documentation regarding [REDACTED]’s cemetery expenses in the database and files maintained by the county income maintenance agency showing that a \$5,021.20 monument had been purchased for Petitioner and her spouse on June 28, 2024. This was not reported in the first application.
5. On September 13, 2024, the agency denied the first application based on a finding that the total cemetery costs exceeded \$3,500.
6. On October 9, 2024, the agency received a second application which reported total cemetery expenses of \$6,526.20 with a notation that the \$5,021.20 monument was for three people and that there was a \$1,505 opening/closing expense. An invoice submitted with the second application listed the following expenses: \$1,505 professional service fee; \$475 grave space purchased 2/21/1985; and \$5,021.40 monument for three people (Petitioner, [REDACTED], and [REDACTED]). The invoice also indicated that [REDACTED] had paid \$2,331.40 towards the total and that the remaining balance was \$4,195.
7. On October 9, 2024, the agency denied the second application based on a finding that the total of the revised cemetery costs still exceeded \$3,500.
8. On October 16, 2024, the agency received a third application which reported \$6,526.20 of cemetery expenses and \$2,331.40 available from other sources. An invoice submitted with the third application listed the following expenses: \$1,505 open/close; \$133.33 grave space (6 spaces); and \$5,021.40 monument for three people. The total cemetery expenses for Petitioner, based on those reported expenses, would be \$3,312.13. The invoice and copies of attached checks and receipts further indicated that [REDACTED] had paid \$2,331.40, that [REDACTED] had paid \$3,505, and that the \$133 grave space had been paid for.
9. On October 22, 2024, the agency denied the third application because the total cemetery expenses reported were not consistent with the information provided in the “Final Itemized Cemetery Statement with Payment Sources” (i.e., the invoice).
10. The requesting cemetery did not include a signed Life Insurance Declaration with any of the three applications.

11. The second and third applications did not include updated signatures from the cemetery or Petitioner's representative.
12. On November 4, 2024, the Division of Hearings and Appeals received a hearing request from the cemetery accompanied by documentation that had not been submitted to the agency with any of the three applications. That documentation indicated that the burial plot was purchased on June 8, 1982 rather than the previously reported February 21, 1985; that the total cost of the plot was \$800 rather than the previously reported \$475; and that the cost of the monument was \$5,331.40 rather than the previously reported \$5021.20 and \$5021.40). The hearing request also states that the plot was for six people but no documentation of that was included.

DISCUSSION

The Wisconsin Funeral and Cemetery Aids Program ("WFCAP") pays up to \$1,500 of the funeral and burial expenses and up to \$1,000 of the cemetery expenses of certain indigent recipients of public benefits. See Wis. Stat. § 49.785(1). However, the program does not pay for any cemetery expenses if the total amount of those expenses exceeds \$3,500, does not pay for any funeral and burial expenses if the total amount of those expenses exceeds \$4,500, and does not provide any reimbursement if the claim is not submitted within one year. Wis. Stat. § 49.785 (1m).

Funeral providers and cemetery providers and not families of decedents are permitted to apply for WFCAP payments. See *WFCAP Manual*, §2.2. When reporting "total cemetery expenses" on an application, cemeteries are required to "actual expenses for goods or services they provide, whether those goods or services are provided before or after death." See *WFCAP Manual*, §2.4.2. The cemetery must also provide verification of those expenses in the form of a final itemized cemetery statement with payment sources indicating all goods and services that have been provided and identifying the costs of those goods and services. That final statement must be signed by the executor or family representative and the cemetery provider. *WFCAP Manual* §3.1.2 and §3.2.5. Any modifications to the final statement must also be signed. *WFCAP Manual* §3.4.1 and §3.4.2.

WFCAP payments may be properly denied when: Payment for cemetery expenses was requested but the signed itemized cemetery statement with payment sources was not submitted; total cemetery expenses are unclear; total cemetery expenses exceed \$3,500; payment for cemetery expenses was requested but the cemetery provider and/or family representatives did not sign the application; and/or the life insurance declaration section of the application was not signed and dated by both the cemetery and the family representative. *WFCAP Manual* §5.1.

This is not a close case. The agency correctly denied the first two applications because the documentation submitted indicated that total cemetery expenses exceeded \$3,500 and correctly denied the third application because the three submitted applications and documentation submitted with each of them contained a number of inconsistencies. After closely reviewing all documentation, I was unable to determine what [REDACTED]'s total cemetery expenses amounted to. The documentation provided was not only inconsistent with the figures listed in the application forms but also contained internal discrepancies. See Findings of Fact Nos. 3, 4, 6, and 8.

The hearing request included documentation that had not been previously submitted with any of the three applications and, as the agency representative noted, introduced yet more discrepancies. In the end, the cemetery and/or family provided three different prices for the monument, two different prices for the plot, and two different purchase dates for the plot. See Finding of Fact No. 12. Moreover, at hearing, the

cemetery's own representative expressed doubts regarding the reliability of the documentation that [REDACTED] family provided to the cemetery and that the cemetery, in turn, filed with the agency.

In addition to filing documentation replete with inconsistencies, the cemetery failed to include required signatures with at least the second and third applications and failed to include the required signed life insurance declaration with the applications—a requirement intended to ensure that the cemetery asks the family of decedents about the availability of life insurance proceeds since the WFCAP is intended as a payor of last resort. There were thus multiple proper grounds upon which to deny Petitioner's application for WFCAP funding. See *WFCAP Manual* §5.1.

CONCLUSIONS OF LAW

The agency properly denied Petitioner's request for payment of cemetery expenses from the WFCAP because those expenses were poorly documented; because revised figures submitted with the second and third applications were not signed by the cemetery provider or the family representative; and because none of the applications included the required life insurance policy declaration.

THEREFORE, it is

ORDERED

That 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, 4822 Madison Yards Way, 5th Floor North, 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, **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.

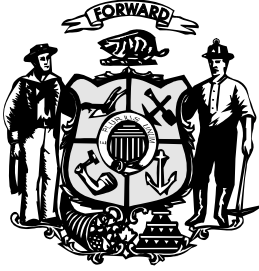
Given under my hand at the City of Madison,
Wisconsin, this 27th day of March, 2025

\s

Teresa A. Perez

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 March 27, 2025.

Division of Medicaid Services

Wisconsin Funeral and Cemetery Aids Program - DHS

[REDACTED]