



STATE OF WISCONSIN  
Division of Hearings and Appeals

In the Matter of



DECISION

FPO/169982

**PRELIMINARY RECITALS**

Pursuant to a petition filed November 06, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on January 12, 2016, at Milwaukee, Wisconsin.

There remains no issue for determination.

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: Katherine May  
Milwaukee Enrollment Services  
1220 W Vliet St, Room 106  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Corinne Balter  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # ) is a resident of Milwaukee County.
2. The petitioner applied for FoodShare, BadgerCare Plus, and Family Planning only services.
3. The agency denied all applications because the petitioner failed to provide the requested verification. The petitioner appealed all three denials. Each denial is under a separate case number.

4. The petitioner is currently pregnant. She no longer needs family planning only services. She is in need of BadgerCare Plus. As stated above the BadgerCare Plus denial is discussed and addressed in a separate appeal.

### DISCUSSION

The Family Planning (FP) services program provides limited benefits for family planning services for women and men with income at or below 300% of the Federal Poverty Level (FPL) and who are not eligible for other forms of Medicaid. *BadgerCare Eligibility Handbook (BCPEH)*, § 40.1. A person receiving BadgerCare Plus benefits is not eligible for family planning only. *BCPEH*, § 40.4. The benefits provided by the family planning only plan would be provided through BadgerCare.

For a non-pregnant adult the income eligibility limit for family planning only is 300% of the Federal Poverty Limit (FPL). *BCPEH*, § 40.1. For BadgerCare coverage the income limit is 100% FPL. *BCPEH*, § 16.1.1. Thus, a non-pregnant adult can qualify for family planning only services, but not for BadgerCare. When a person becomes pregnant the income eligibility limits for BadgerCare raise to 300% FPL, and the pregnant person receives comprehensive medical coverage through the BadgerCare program. *BCPEH*, § 16.1.1.

There are two reasons there remains no issue for determination. First, the petitioner is pregnant, and does not need family planning only services at this time. Second, the real issue is whether the petitioner is eligible for BadgerCare benefits. BadgerCare benefits would cover the petitioner's care while she is pregnant. The petitioner's BadgerCare Plus eligibility is discussed in a separate appeal under case number 169981. Thus, there is no issue for determination on this appeal.

### CONCLUSIONS OF LAW

There remains no issue for determination.

**THEREFORE, it is**

**ORDERED**

That the petition 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 26th day of January, 2016

---

\sCorinne Balter  
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](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on January 26, 2016.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability