



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/170239

PRELIMINARY RECITALS

Pursuant to a petition filed November 18, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on December 16, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether the agency correctly discontinued Petitioner's BadgerCare+ eligibility for failing to verify income.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Simone Johnson and Kristine Kostroski
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner's BadgerCare+ case was being reviewed for a possible overpayment because of unreported employment and income. As part of this process the agency learned that Petitioner had obtained new employment in September 2015.

3. The agency sent Petitioner a request for verification dated October 13, 2015 that sought verification of employment and income.
4. The agency did not receive the requested verification and discontinued Petitioner's BadgerCare+ eligibility effective December 1, 2015. She was so notified by a Notice of Decision dated November 2, 2015. She filed this appeal on November 18, 2015 and benefits were continued.
5. Petitioner's group size is 1.
6. All notices here were sent to the address provided by Petitioner though Petitioner may have provided the incorrect address by transposing numbers [REDACTED] instead of [REDACTED].

DISCUSSION

BadgerCare+ is Wisconsin's medical assistance program for those who are not elderly or disabled. Effective April 1, 2014, Wisconsin state law changed and lowered the amount of adjusted gross income a household can have and still be eligible for benefits to 100% of the Federal Poverty Level for adults and 300% for children. *Wis. Stat. § 49.471(4)(a)*. Childless adults became BadgerCare+ eligible as of April 1, 2014 if all other eligibility criteria were met. *BadgerCare+ Eligibility Handbook, (BEH), §2.1*. This change was to be effective January 1, 2014 but was held off until April 1, 2014 to assure coordination with other changes in healthcare options; notably the Affordable Care Act. 100% of the Federal Poverty Level for a 1 person household is \$980.83 per month. *BEH, §50.1*.

Certain items must be verified by an agency as part of BadgerCare+ application processing or when there is a change in circumstance that affects eligibility or benefit level. *BEH, §9.1*. Income is one of those mandatory items. *BEH, §9.9*.

A case is denied or discontinued if verification is not provided so long as adequate notice of the request for verification is provided and a person has the power to produce it. *BEH, §9.11.4*. In this case Petitioner contends she never received the verification request as the postal carrier mixes up and/or opens her mail. I am not convinced that this occurs. Regardless, notices were sent to the address provided by Petitioner. Petitioner did receive the November 2, 2015 discontinuance notice and did file an appeal on November 18, 2015. This provided her with time to get the required verification to the agency before the December 1, 2015 discontinuance of benefits. Further, the agency was asked to check after the hearing to see if it had a record of returned mail for Petitioner - it checked records and found that the only returned mail was from a PO Box for Petitioner in May 2015. Finally, I also note that Division of Hearings and Appeals mail was forwarded to Petitioner.

I am, therefore, concluding that the agency correctly discontinued Petitioner's BadgerCare+ for lack of verification.

CONCLUSIONS OF LAW

That the agency correctly discontinued Petitioner's BadgerCare+ coverage for failing to verify income.

THEREFORE, it is

ORDERED

That this 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, 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 10th day of February, 2016

\sDavid D. Fleming
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 February 10, 2016.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability