



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: BCS - 174726

PRELIMINARY RECITALS

Pursuant to a petition filed on May 26, 2016, under Wis. Stat. § 49.45(5)(a), to review a decision by the Washington County Department of Social Services regarding Medical Assistance (MA), a hearing was held on July 12, 2016, by telephone.

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

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

;

Respondent:

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

By: [REDACTED]
Washington County Department of Social Services
333 E. Washington Street
Suite 3100
West Bend, WI 53095

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Washington County. She is a minor and resides with her family.

2. Petitioner's family's BadgerCare+ case was renewed online in March 2016.
3. Petitioner's family was determined to have income of about \$185 per month over the BadgerCare+ income limit. Petitioner's family has a business and the income determination includes a salary and a portion of the business profits.

DISCUSSION

The BadgerCare+ income limit for a child as of April 1, 2014 is 306% of the Federal Poverty level. The poverty level numbers may be found in the BadgerCare+ Eligibility Handbook, §50.1 and may be viewed at <http://www.emhandbooks.wisconsin.gov/bcplus/bcplus.htm>.

As Petitioner's family income is above the 306% of the FPL for her family size BadgerCare+ eligibility was discontinued effective April 1, 2016.

Because of the cost of Petitioner's medical care her parents would like to see if it is possible to make an exception and find her Medicaid eligible. I have reviewed the BadgerCare+ program and do not see a way to do so absent a reduction in salary or business profit. The Division of Hearings and Appeals cannot ignore the law establishing BadgerCare+ or the policy implementing it.

Finally, this decision has not included much information that would allow Petitioner's family to be identified and detail the family income as Division of Hearings and Appeals decisions are published online though names and addresses are redacted.

CONCLUSIONS OF LAW

That the agency correctly discontinued Petitioner's BadgerCare+ eligibility.

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, **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 12th day of August, 2016

\s _____
David 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 August 12, 2016.

Washington County Department of Social Services
Division of Health Care Access and Accountability