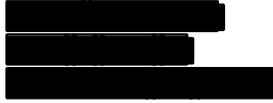




**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of



DECISION
Case #: BCS - 175337

PRELIMINARY RECITALS

Pursuant to a petition filed on June 30, 2016, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services regarding Medical Assistance (MA), a hearing was held on July 27, 2016, at Milwaukee, Wisconsin.

The issue for determination is whether the agency correctly denied the petitioner healthcare coverage effective April 1, 2016.

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, WI 53703

By: 
Milwaukee Enrollment Services
1220 W Vliet St
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. She is a household size of two consisting of herself and her daughter.

2. On March 18, 2016 the agency sent the petitioner a notice stating that effective April 1, 2016 she would no longer have BadgerCare (BC) Plus coverage. Her child continued to be eligible for BC Plus. The income limits for children are higher than the income limits for adults. The notice also informed the petitioner that the deadline to appeal this discontinuation of BC Plus coverage was May 17, 2016.
3. On April 7, 2016 the petitioner provided employment verification showing that her monthly gross income for BC Plus is \$2,307.70. The case was pending for additional income verification. In June, the agency discovered that this additional income verification was not necessary. The petitioner was no longer employed with a prior employer.
4. On June 21, 2016 the agency sent the petitioner another notice stating that effective June 1, 2016 the petitioner was over the income for BC Plus benefits. Although she was over the income limit, she would qualify in a BC Plus extension. Because she had not paid her previous premiums, she could either pay the back premiums or wait three months to enroll in the BC Plus extension. Her monthly premium amount was \$27.
5. On June 21, 2016 the Division of Hearings and Appeals received the petitioner's Request for Fair Hearing.

DISCUSSION

When a household's income increases from below 100% of the federal poverty level to above that amount, those already receiving benefits remain eligible for another year under a BadgerCare extension, regardless of their income. *BadgerCare Plus Handbook*, § 18.1. The BadgerCare Plus policy in the section specifically pertaining to "losing an extension" states that a BadgerCare Plus recipient loses an extension if "[s]/he fails to provide verification of income and at least one parent/caretaker in the extension AG [assistance group] is not disabled, a tribal member, or pregnant." *BadgerCare Plus Handbook*, § 18.5.1.4. An earlier section states that "if a case closes for lack of...verification and [the household] then later reappplies, they would not be eligible for the Extension." *BadgerCare Plus Handbook*, §18.1.1.

In this case there was an issue with verification. The agency originally believed that the petitioner had to provide additional verification. They then later determined that this additional verification was not necessary. The petitioner was no longer working for that employer, and she could have timely provided a sworn statement. Based upon the agency error, the agency allowed the petitioner to obtain BC Plus benefits in the extension period if she was to pay the back premiums. If she did not pay the back premiums, then she could simply reenroll after a three month waiting period. Based upon the petitioner's monthly gross income with her new job, the agency correctly placed the petitioner in the BC Plus extension plan. Based upon the petitioner's income and timing of the verification provided, the agency's actions are correct in this case.

The agency has given the petitioner every benefit of the doubt. Although the agency made an error in April 2016, they fixed that error, and allowed the petitioner to enroll in the BC Plus extension plan. The petitioner chose not to enroll in that plan. At the hearing, this was reiterated to the petitioner. I encouraged the petitioner to speak with the agency following the hearing, and to get reenrolled in the BC Plus with a \$27 per month premium. There have been no changes in the petitioner's case per the CARES system. This indicates that the petitioner has not reenrolled in the BC Plus extension plan. I still urge the petitioner to work with the agency to get reenrolled in the BC Plus extension.

CONCLUSIONS OF LAW

The agency correctly denied the petitioner healthcare coverage effective April 1, 2016.

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, **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 3rd day of August, 2016

\s _____
Corinne Balter
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 3, 2016.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability