



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

BCS/142716

PRELIMINARY RECITALS

Pursuant to a petition filed July 31, 2012, 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 September 26, 2012, at Milwaukee, Wisconsin.

The issue for determination is whether the agency has met its burden to show that it correctly terminated petitioner's MA due to failing to complete a review effective July 1, 2012.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Belinda Bridges

Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Kelly Cochrane
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On June 18, 2012 the agency issued a notice of decision to petitioner stating that effective July 1, 2012 her MA was ending because she had failed to complete her MA renewal.

- Petitioner failed to complete her renewal for MA.

DISCUSSION

BadgerCare Plus (BC+) is a state/federal program that provides health coverage for Wisconsin families. BC+ replaces the former AFDC-Medicaid, Healthy Start and BadgerCare. See *BadgerCare + Eligibility Handbook*, §1.1, available online at <http://www.emhandbooks.wisconsin.gov/bcplus/bcplus.htm>. A BC+ recipient must perform a periodic review of eligibility (called review and renewal herein) during specific time intervals as a condition of ongoing MA eligibility for the recipient. See *BadgerCare + Eligibility Handbook*, §26.1.1.

There was no dispute at hearing that petitioner did not complete her review. Rather, her concern was that she had been placed in a restrictive reenrollment. The agency agreed at hearing that petitioner had not been placed in a restrictive reenrollment as her continued eligibility was never confirmed or completed. Based on the evidence before me, I must find that the agency acted correctly here.

CONCLUSIONS OF LAW

- The agency has met its burden to show that it correctly terminated petitioner's MA due to failing to complete a review effective July 1, 2012.
- Petitioner was not placed in a restrictive reenrollment because her continued eligibility was never confirmed or completed as she did not complete her review.

THEREFORE, it is

ORDERED

That the petition for review herein be dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 27th day of September, 2012

Kelly Cochrane
Administrative Law Judge
Division of Hearings and Appeals

c: Milwaukee Enrollment Services - email
Department of Health Services - email



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on September 27, 2012.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability