



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

BCS/143185

PRELIMINARY RECITALS

Pursuant to a petition filed August 16, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Dane County Department of Human Services in regard to Medical Assistance (MA), a hearing was held on October 2, 2012, at Madison, Wisconsin.

The issue for determination has been resolved.

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: Ryan Grimes, ES Spec.
Dane County Department of Human Services
1819 Aberg Avenue
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. BadgerCare Plus (BCP) is a Wisconsin variant of MA for low-income households with children. It features a higher income limit than Elderly/Blind/Disabled MA.

3. The petitioner, who is disabled, heads a household of five (self, wife, 3 children). They moved to Wisconsin and filed an application for MA/BadgerCare Plus, Foodshare, and child care. Their Ohio case remained open through May, 2012.
4. Per a notice dated July 12, 2012, the Department certified the petitioner's wife and children for BCP beginning June 1, 2012. However, the petitioner was not covered.
5. The petitioner appealed. Prior to hearing, the agency recognized its error, and has now certified the petitioner going back to July 1, 2012.
6. The petitioner testified that the agency has taken the needed action to generate past SLMB (Medicare Premium Assistance) for two months, but some SLMB was missing. The agency stipulated at hearing that it would review the matter, and cause any missing month(s) of SLMB to be generated.
7. Post-hearing, the agency emailed this Administrative Law Judge that it had reviewed its records and taken the necessary action to have another month's (July) SLMB benefit generated.

DISCUSSION

The agency has now corrected its error with respect to the BCP and SLMB portion of the petitioner's case.

Separate decisions will be issued discussion the status of the petitioner's child care and FoodShare benefits.

CONCLUSIONS OF LAW

No action is needed by the Administrative Law Judge at this time with respect to the petitioner's BCP and SLMB benefits.

THEREFORE, it is

ORDERED

That the petition is 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 Madison,
Wisconsin, this 9th day of October, 2012

Nancy J. Gagnon
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 October 9, 2012.

Dane County Department of Human Services
Division of Health Care Access and Accountability