



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

BCS/143249

PRELIMINARY RECITALS

Pursuant to a petition filed August 17, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Rock County Department of Social Services in regard to the discontinuance of Medical Assistance, a telephone hearing was held on September 19, 2012, at Janesville, Wisconsin.

The issue for determination is whether the county agency correctly discontinued BadgerCare Plus to the petitioner and her adult 19 year-old daughter, effective August 31, 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: Sherry Quirk, ESS I
Rock County Department of Social Services
1900 Center Avenue
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:
Kenneth D. Duren, Assistant Administrator
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County. She was the casehead of a three person BC+ household in at least August, 2012, composed of herself, her husband [REDACTED] and their daughter [REDACTED].
2. In early August, 2012, [REDACTED] became 19 years old.
3. On August 14, 2012, the county agency issued a Notice to the petitioner informing her that BC+ for the household would end, effective September 1, 2012, because no child 18 or under was in

care; and that [REDACTED] would be eligible on that date for Elderly Blind Disabled MA as he is 65 or older.

4. The petitioner is 53 years old, is not pregnant, blind, disabled, or the caretaker of a minor.
5. On August 17, 2012, the petitioner filed an appeal with the Division of Hearings & Appeals contesting the discontinuance of BC+ coverage for her and [REDACTED]; benefits were continued pending the hearing decision.

DISCUSSION

To be eligible for Medicaid, an individual must be elderly, blind or disabled. A finding of disability must be in accordance with federal Social Security/SSI standards. Wis. Stat. § 49.47(4)(a). Disability and blindness determinations are made by the Disability Determination Bureau (DDB) in the Department of Health Services. Medicaid Eligibility Handbook § 5.2. These are the so-called “non-financial” eligibility requirements. Petitioner does not currently meet any of these requirements.

Badger Care+ (BC+) is a state/federal program that provides health coverage for Wisconsin families. BC+ replaces the former AFDC-Medicaid, Healthy Start and BadgerCare. The following individuals are non-financially eligible for BC+: (1) children under 19; (2) pregnant women; **(3) parents/caretakers of children under 19 years of age**, including some parents and caretakers whose children have been removed from the home and are in the care of the child welfare system; or (4) young adults exiting out of home care (such as foster care). BC+ § 1.1.

In regard to this case, the relevant provisions are that BadgerCare Plus (BC+) is an expansion of the Wisconsin MA program designed to provide coverage to children under age 19 and their parents. See the Wis. Adm. Code §DHS 103.03(1)(f). To be eligible for BC+, a person must be under age 19, a custodial parent, or the spouse of a custodial parent. Wis. Adm. Code §DHS 103.03(1)(f)1.

In the instant case, the petitioner did not dispute that her daughter, [REDACTED] turned 19 years of age on August, 2012. The petitioner was unable to establish any other basis for non-financial eligibility for BadgerCare Plus eligibility. Accordingly, based upon the above, the county agency correctly discontinued petitioner's, and [REDACTED]s, BadgerCare Plus eligibility effective September 1, 2012, due to no longer having non-financial eligibility (a child under 19 years of age residing in petitioner's home).

[REDACTED] remains eligible for a different sub-category of MA due to his age, i.e., EBD-MA. The petitioner, at age 53 and not blind, disabled, pregnant or the caretaker of a minor, does not qualify for either. I can find no error in the agency action. Nor has she pointed to any error. Rather, she asserts that she has medical expenses for rehabilitation services from recent surgeries to her shoulder and left wrist that will not be covered without the BC+. There is no exception for this circumstance. The petitioner is no longer eligible for BC+, and has not applied for or established in any way that she is eligible for any other kind of MA.

CONCLUSIONS OF LAW

The county agency correctly discontinued petitioner's household's BadgerCare Plus eligibility effective September 1, 2012, due to no longer having non-financial eligibility (a child under 19 years of age residing in her home).

THEREFORE, it is

ORDERED

The petition for review herein be and the same is hereby 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 24th day of September, 2012

Kenneth D. Duren, Assistant Administrator
Administrative Law Judge
Division of Hearings and Appeals

c: Rock County Department of Social Services - email
Department of Health Services - email



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

David H. Schwarz
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on September 24, 2012.

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