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[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

BCS/143316

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 23, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a telephonic hearing was held on October 18, 2012, at Milwaukee, Wisconsin.

The issue for determination is whether Milwaukee Enrollment Services (MES) correctly denied petitioner's August 7, 2012 Medicaid/BadgerCare Plus application, due to lack of non-financial eligibility.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Respondent:

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

By: Mary Hartung, HSPC senior  
Milwaukee Enrollment Services  
1220 W Vliet St  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a 46 year old resident of Milwaukee County who resides in a household of one.

2. The petitioner has not been determined to be disabled or blind, and she does not live with and care for any minor children.
3. The petitioner applied for Medicaid/BadgerCare Plus benefits on or about August 7, 2012.
4. The petitioner has applied for MA disability, but her application was in a “pending” status as of the October 18, 2012 hearing date.
5. Milwaukee Enrollment Services (MES) sent a March 30, 2011 Notice of Decision to the petitioner stating that her Medicaid/BadgerCare application was denied due to lack of non-financial eligibility. However, that notice confirmed that petitioner was approved for Family Planning Services as of September 1, 2012. See Exhibit 1.

### **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, there is no dispute that petitioner is 46 years old, not blind or caring for any minor child. Although petitioner has applied for MA disability, her application was “pending” as of the October 18, 2012 hearing date, thus petitioner had not yet been determined disabled or not disabled by the Disability Determination Bureau (DDB). If DDB determines petitioner to be disabled, then MES should promptly certify the petitioner as MA eligible retroactive to her onset date of disability. The petitioner was unable as of the hearing date to establish any other basis for non-financial eligibility for BadgerCare or Medicaid eligibility. Accordingly, based upon the evidence in the hearing record, Milwaukee Enrollment Services correctly denied petitioner’s August 7, 2012 Medicaid/BadgerCare application, due to lack of non-financial eligibility.

### **CONCLUSIONS OF LAW**

Milwaukee Enrollment Services (MES) correctly denied petitioner’s August 7, 2012 Medicaid/BadgerCare Plus application, due to lack of non-financial eligibility.

**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 served and 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, 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 8th day of November, 2012

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Gary M. Wolkstein  
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 November 8, 2012.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability