



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

BCB/143413

PRELIMINARY RECITALS

Pursuant to a petition filed August 23, 2012, under Wis. Stat., §49.45(5)(a), to review a decision by Brown County Human Services to deny Medical Assistance (MA), a hearing was held on September 25, 2012, by telephone.

The issue for determination is whether petitioner had good cause for quitting a job with insurance.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Cheri Streich
Brown County Human Services
111 N. Jefferson Street
Green Bay, WI 54301

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Brown County.
2. In the summer, 2012, petitioner resided with her husband on daughter, who was under one year old. Petitioner was employed by [REDACTED] a company that provided insurance and paid over 80% of premiums. Petitioner was pregnant with an early September due date.
3. Petitioner quit the job in July because, with the second child, the cost of child care would be higher than her income.

4. Petitioner applied for BadgerCare Plus (BC+) on August 9, 2012. BC+ was opened for her and her daughter because petitioner was pregnant and her daughter was under one year old. BC+ for her daughter only lasted for August, however, as she turned one year old during the month.
5. BC+ was denied for petitioner's husband, and for her daughter beginning September 1, 2012, because petitioner quit a job with insurance, without good cause. Family income is above 150% of poverty.

DISCUSSION

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. The person is ineligible if he or she has health insurance or has access to employer-sponsored insurance unless income is less than 150% of poverty. §DHS 103.03(1)(f)2 and 3; BC+ Handbook, Appendix 7.4. If income is above 150% of poverty, any adults in the household are ineligible for BC+, but children can be eligible if a deductible is met. Handbook, App. 17.1.

Under BC+ rules:

individuals are ineligible for BadgerCare Plus (BC+) benefits for three calendar months following the month in which coverage through an employer-provided health insurance plan, which meets the standards of a *HIPAA* standard plan, ended if:

- The employer paid 80% or more of the premium or the insurance was part of the Wisconsin state employees' health insurance plan; and,
- The *applicant* is a caretaker relative or child under age 19 with family income that exceeds 150 percent of the FPL and the *caretaker relative* or child is not exempt; and,
- The individual did not have *good cause* for dropping the coverage

Handbook, App. 7.5; italics in original. As it stands now, petitioner will not lose BC+ coverage. She will be eligible for BC+ until the end of November, 2012 under the 60-day newborn exception. See Handbook, App. 8.1. Since petitioner quit her job in July, the three-month ineligibility period will extend until the end of October, 2012. Thus petitioner will not lose coverage.

Only petitioner's husband and daughter are affected. They will be ineligible for BC+ until October 31 due to the policy for quitting employment with insurance.

The issue for them is whether there was good cause for petitioner quitting the job. The good cause reasons are found at App. 7.6 of the Handbook. None of the specific good cause exceptions apply to petitioner's circumstance. Only the catch-all can be utilized – "any other reason determined by the department to be a good cause reason."

I cannot find petitioner's quit to be good cause. Generally good cause reasons arise for reasons out of the person's control. The specific good cause reasons found at Appendix 7.6 all involve circumstances not controlled by the person (employment ending for reasons other than voluntarily quitting, insurance coverage changing, services too far from the person). In this case petitioner quit working two months before her due date, and petitioner does not argue that she quit due to pregnancy complications. I suspect that when petitioner quit she had no idea the action would impact BC+, but I still cannot find that to be good cause for quitting. Instead this is precisely the scenario envisioned by the Department when the

three month ineligibility was created – a person quitting a job with insurance and then soon after applying for BC+. I must conclude, therefore, that the county's processing of petitioner's application was handled correctly.

CONCLUSIONS OF LAW

The county correctly denied BC+ for petitioner's family members because petitioner quit a job with insurance without good cause less than three months before applying for BC+

THEREFORE, it is

ORDERED

That 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 1st day of October, 2012

Brian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals

c: Brown County Human 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 October 1, 2012.

Brown County Human Services
Division of Health Care Access and Accountability