



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

BCC/143513

PRELIMINARY RECITALS

Pursuant to a petition filed August 29, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance (MA), a hearing was held on October 17, 2012, at Milwaukee, Wisconsin.

The issue for determination is whether the Department correctly discontinued the petitioner's BadgerCare Plus Core Plan effective August 1, 2012.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Alma Lezama, HSPC Sr.
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]), age 55, is a resident of Milwaukee County.
2. The BadgerCare Plus Core (BCP-C) Plan is a Wisconsin variant of MA for low-income, non-disabled, non-elderly, childless adults. The petitioner has been certified for BCP-C and her case was due for an annual "renewal" by July 1, 2012.

3. The petitioner performed a telephonic renewal on June 21, 2012. On June 22, 2012, the Department sent the petitioner a written request to her correct address for payment of the \$60 BCP-C processing fee, due by July 1, 2012. A payment slip was included. *See*, Exhibit 2. The petitioner did not pay the fee by July 1, 2012, or thereafter.
4. On July 18, 2012, the Department issued written notice to the petitioner's correct address, advising that her BCP-C would be discontinued effective August 1, 2012. The basis for discontinuance was failure to pay the processing fee, thereby failing to complete the renewal.

DISCUSSION

BCP-C is authorized by Wis. Stat. §49.45(23) and a federal waiver document. To qualify for BCP, a person must meet both non-financial and financial requirements. One such requirement is that the recipient must pay an annual processing fee. *BadgerCare Plus Eligibility Handbook (BCPEH)*, §§ 43.2 & 43.9. The petitioner did not do so, so discontinuance of her case was correct.

CONCLUSIONS OF LAW

1. The Department correctly discontinued the petitioner's BCP -C case for failure to pay her annual renewal processing fee.

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 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 31st 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 31, 2012.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability