



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

BCC/143844

PRELIMINARY RECITALS

Pursuant to a petition filed September 17, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Dodge County Department of Human Services in regard to Medical Assistance, a hearing was held on November 13, 2012, at Juneau, Wisconsin.

The issue for determination is whether the Department correctly discontinued the petitioner's BadgerCare Plus Core coverage effective July 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
Madison, Wisconsin 53703

By: Cindy Abel, Lead Worker
Dodge County Department of Human Services
143 E. Center Street
Juneau, WI 53039-1371

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is an adult resident of Dodge County. She is not the parent of any minor children residing in her household.

2. Prior to August, 2012, the petitioner received BadgerCare Plus Core (BCP-C) Plan medical coverage. BCP-C is a Wisconsin variant of Medical Assistance for childless, low-income, non-elderly, non-disabled adults.
3. In June, 2012, the Department issued a notice to the petitioner reminding her that her annual case review was due by July 31, 2012. The petitioner underwent a telephonic review appointment on July 10, 2012. On July 11, 2012, the Department mailed a form to the petitioner. The form contained a summary of the information supplied during the review, along with a blank signature page. A recipient must sign the signature page to swear that the information in the summary is correct. The signature page instructs, "return the completed signature page to the agency listed on your cover sheet." It does not specify a deadline for submission. On July 11, the Department also mailed a letter and form to the petitioner, directing her to pay her \$60 non-refundable BCP-C processing fee.
4. On July 18, 2012, the Department issued written notice to the petitioner advising that her BCP-C would be discontinued effective August 1, 2011, due to failure to complete a review/renewal. That notice identifies the petitioner's appeal deadline as September 17, 2012.
5. The petitioner paid the \$60 fee and submitted earnings verification in July 2012. The Department did not re-start her BCP-C coverage because the renewal signature page was not received until September 11, 2012.

DISCUSSION

The BCP "Core Plan" is a Wisconsin variant on MA for adults without dependent children, which provides basic health care coverage to adults who do not otherwise qualify for Medicaid or the BadgerCare Plus Standard or Benchmark Plans. A successful applicant must have gross income below 200% of the Federal Poverty Level (FPL). *BCPEH*, §§ 43.2 & 50.1, online at <http://www.emhandbooks.wisconsin.gov/bcplus/bcplus.htm> ; Wis. Stat. §49.45(23).

The reason for discontinuance of the petitioner's BCP -C was her failure to supply her completed review signature page by July 31, 2012. *BCPEH*, §43.9. BCP-C, like all forms of Medicaid, requires that every recipient's case be reviewed annually. Wis. Admin. Code § DHS 102.04(3); federal §1115 waiver document, III-21, at <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/wi/wi-badgercare-plus-ca.pdf> .

In this case, the petitioner did not supply the completed signature page by the July 31 deadline. Even if I were treat the missing signature in the same way that late verification is treated, the petitioner would have had to get the signature in by August 31, 2012. *BPEH*, §43.9. It did not come in until September 11. I can find no legal authority to override the Department's policy instruction in the *BCPEH*. Thus, the agency's discontinuance of the BCP -C case was proper.

CONCLUSIONS OF LAW

1. The Department correctly discontinued the petitioner's BCP -C case effective August 1, 2012, because the petitioner did not timely submit the requested and required signature page until 42 days after her case closed.

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 13th day of December, 2012

\sNancy 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 December 13, 2012.

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