



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

BCS/143982

PRELIMINARY RECITALS

Pursuant to a petition filed September 19, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Juneau County Department of Human Services in regard to Medical Assistance, a hearing was held on November 02, 2012, at Mauston, Wisconsin.

The issue for determination is whether the Department erred in imposing a \$63 BC premium when petitioner's income increased by \$159 per week.

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: April Lee

Juneau County Department of Human Services
Courthouse Annex
220 E. LaCrosse Street
Mauston, WI 53948

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Juneau County.
2. Petitioner was an ongoing BadgerCare beneficiary in 2012.

3. On September 13, 2012, the Department processed information that petitioner was receiving \$159 in unemployment per week. This was an increase to the previous \$1150 per month in unearned income the agency budgeted for petitioner.
4. On September 25, 2012, the Department sent a notice indicating that petitioner would owe a premium of \$63 per month for BadgerCare.
5. Petitioner filed a timely appeal.

DISCUSSION

At the time of hearing, petitioner stated that she “has no real problem with the BadgerCare” premium being imposed. Petitioner stated that she only wished to appeal the reduction in FoodShare but that someone told her she was also required to appeal the BadgerCare case. That is not correct.

It appears that petitioner understands that the premium was imposed due to her increase in unearned income. Given that petitioner does not dispute this action, and because the record indicates that the imposition of the premium is based on the increased income of \$159 per week, I will affirm the action.

CONCLUSIONS OF LAW

The Department did not err in imposing a \$63 BC premium when petitioner’s income increased by \$159 per week.

THEREFORE, it is

ORDERED

That this appeal 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 7th day of November, 2012

John P. Tedesco
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 7, 2012.

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