



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

BCS/144245

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**PRELIMINARY RECITALS**

Pursuant to a petition filed October 03, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on November 13, 2012, at Milwaukee, Wisconsin.

The issue for determination is whether the Department erred in terminating petitioner's MA coverage after her failure to pay her premium.

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: Heather Sommers  
Milwaukee Enrollment Services  
1220 W Vliet St  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

John P. Tedesco  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner was a member under the BadgerCare Plus program.
3. Petitioner had a \$118 premium for her BC+ coverage beginning in July 2012.

4. Petitioner paid the July premium.
5. Petitioner sent the August payment (there remains disagreement whether the payment bounced or was ultimately paid).
6. Petitioner did not pay the September premium.
7. The Department sent a notice to petitioner's correct mailing address on 9/18/12 informing her that her premium was late and that her benefits would end effective 10/1/12. It would have to be paid by the end of October or she would be terminated from the program.
8. Petitioner did not make a premium payment by the end of October.
9. Petitioner filed a timely appeal from the 9/18/12 termination notice.

### **DISCUSSION**

Petitioner admits that she did not pay the September premium. The only argument she raises is that she was told not to pay the premium by an unidentified worker at a call center because the worker was going to have the premium amount recalculated. Petitioner further argues that she did not receive the September 18 notice warning her of the consequences should the premium not be paid.

First, the termination notice was sent to the correct address. It is the same address from which petitioner sent her hearing request form. There is no indication that the notice was returned to the agency as undelivered.

Second, petitioner cannot identify the worker who she claims directed her not to pay her premium. To the contrary, the contemporaneous case comments indicate that on August 21, 2012, petitioner contacted the agency and asked why she was to pay \$118. She reportedly stated that another worker told her she did not have to pay a premium. The comments reflect that petitioner was told that she is to pay the premium of \$118 until there is a change due to income, and that that had not occurred in her case. The comments also state that a BC+ premium form was mailed on 8/21/12. Petitioner states she never received that.

Finally, it is curious that petitioner called her agency on August 21 asking why she was required to pay a premium. Yet, she claims that she did not receive a premium payment reminder or the 9/18/12 notice of termination. I find petitioner not credible. I believe it more likely that petitioner did indeed receive the 9/18/12 notice a day or two after it was mailed. I believe that this notice likely precipitated the call to her agency asking why she had to pay the \$118.

Petitioner knew of her premium amount. I do not believe that petitioner did not receive various reminders, notices, and the information (including the premium form) mailed by the agency on 8/21/12 as she claims. Petitioner has no evidence other than her self-serving statement to indicate that anyone instructed her not to pay her premium. The Department has adequately demonstrated that it informed her of the payment, that she knew the payment amount (since she paid it in July and August), and that it provided ample opportunity by means of the 9/18/12 notice and the 8/21/12 agency mailing for petitioner to correct the non-payment error before the consequence of termination was final.

### **CONCLUSIONS OF LAW**

The Department did not err in terminating petitioner from BC+ for failure to pay her premium.

**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 14th day of November, 2012

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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 14, 2012.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability