



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

BCB/144610

PRELIMINARY RECITALS

Pursuant to a petition filed October 17, 2012, under Wis. Stat., §49.45(5)(a), to review a decision by the Rock County Dept. of Social Services in regard to Medical Assistance (MA), a hearing was held on November 20, 2012, by telephone.

The issue for determination is whether petitioner's daughter is in the correct BadgerCare Plus (BC+) program.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Sherry Quirk
Rock County Dept. of Social Services
1900 Center Avenue
PO Box 1649
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County.
2. Petitioner resides with her husband and their daughter. Their daughter has been eligible for the BC+ Benchmark Plan since 2008.
3. Monthly household income totals \$3,233.60, all from social security.

DISCUSSION

Under BC+ rules the income limit for caretaker parents is 200% of the poverty level. BC+ Handbook, Appendix 16.1. That amount for a three-person household is \$3,181.66. Handbook, App. 50.1. There is no limit for a child, but if household income is over 200% children are eligible for the BC+ Benchmark Plan with a premium. Handbook, App. 1.1.1.

Petitioner filed this appeal because she was informed by the optometrist that the BC+ Benchmark Plan does not cover the cost of glasses. In that the optometrist was correct. While glasses are covered under regular BC+, only the cost of the eye exam is covered by the Benchmark Plan. See Handbook, App. 38.2. This is not a recent change. Glasses have not been covered by the Benchmark Plan since it began.

Petitioner argued that her daughter was put in the Benchmark Plan without notice or a change. However, she has been in the Benchmark Plan for four years. Total household income is above the 200% limit, and thus it makes sense that she is in the Benchmark Plan. Just to be certain, I checked the notice history for the family. All notices concerning petitioner's daughter state that she is in the Benchmark Plan.

Petitioner testified that glasses had been covered in the past. I have no explanation for that. The only thing I can do is find that petitioner's daughter is in the Benchmark Plan correctly.

CONCLUSIONS OF LAW

Petitioner's daughter is properly placed in the BC+ Benchmark Plan because household income is more than 200% of poverty.

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 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 23rd day of November, 2012

\sBrian C. Schneider
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 23, 2012.

Rock County Department of Social Services
Division of Health Care Access and Accountability