



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

BCC/144611

PRELIMINARY RECITALS

Pursuant to a petition filed October 01, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the St. Croix County Department of Human Services in regard to Medical Assistance, a hearing was held on November 29, 2012, at New Richmond, Wisconsin.

The issue for determination is whether the county agency properly ended the petitioner's BadgerCare Plus Core Plan benefits because she has access to health insurance through her employer.

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: Cheryl Odle

St. Croix County Department of Human Services
1445 N. Fourth Street
New Richmond, WI 54017-1063

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of St. Croix County.
2. The petitioner submitted a renewal application for BadgerCare Plus Core Plan in March 2012. The county agency denied that application because she has access to health insurance through her employer.

3. The petitioner had access to insurance provided by her employer when she submitted her renewal application.

DISCUSSION

The petitioner has received medical assistance through the BadgerCare Plus Core Plan. One of the criteria for receiving benefits is that the recipient “does not have access to health insurance through a current employer in the month of application or subsequent three months, regardless of the amount of employer contribution toward the premium.” *BadgerCare Plus Handbook*, § 43.2. In her appeal, the petitioner indicated that her plan is not actually insurance because it only provides up to \$1,500 in coverage. At the hearing, she conceded that this was not the main portion of the policy and that her employer did contribute to a regular insurance policy. However, she pointed out that it has a large deductible. Although I understand that this deductible can create a hardship, BadgerCare Plus Core Plan rules do not allow me to consider it. Therefore, I must uphold the agency’s decision.

I note that although it is likely that this appeal was filed more than 45 days after it was denied, I am not dismissing it for being untimely because the agency did not submit any notices indicating when the benefits were denied.

CONCLUSIONS OF LAW

The petitioner is ineligible for the BadgerCare Plus Core Plan because she had access to insurance provided by her employer when she filed her renewal application.

THEREFORE, it is

ORDERED

The petitioner's 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 13th day of December, 2012

\sMichael D. O'Brien
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.

St. Croix County Department of Human Services
Division of Health Care Access and Accountability