



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

MGE/144646

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**PRELIMINARY RECITALS**

Pursuant to a petition filed October 22, 2012, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance (MA)/BadgerCare Plus, a hearing was held on November 21, 2012, at Milwaukee, Wisconsin.

The issue for determination is whether the Department correctly discontinued all forms of MA/BCP to the petitioner effective February 29, 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: Sharon Thacker, HSPC Sr.  
Milwaukee Enrollment Services  
1220 W Vliet St  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Nancy J. Gagnon (telephonically)  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. BadgerCare Plus Core Plan (BCP-C) is a Wisconsin variant of MA for non-elderly, non-disabled childless adults. The petitioner was correctly certified for BCP-C from July 2009 through January 31, 2011.

3. Inexplicably, the Department ended the petitioner's BCP -C certification and switched him to Disabled MA certification from February 1, 2011 through February 29, 2012. In February 2012, the Department realized that the petitioner had never been found to be disabled, so the Disabled MA certification was incorrect. On February 13, 2012, the Department issued a notice to the petitioner advising that his Disabled MA certification was ending February 29, 2012. The petitioner later filed this hearing request.
4. In preparation for this hearing, the Department realized that the petitioner should never have been switched over to Disabled MA in February 2011, and that he should have been continuously certified for BCP-C through the present time. Therefore, prior to hearing, the Department reinstated the petitioner's BCP -C certification from March 1, 2012, through at least December 1, 2012.
5. Currently, the Department has requested verification of the petitioner's wife's earnings, due by November 30, 2012. At hearing, the petitioner was encouraged to promptly submit that verification.

### **DISCUSSION**

Because the Department has now corrected its error by certifying the petitioner for BCP-C from March 1, 2012 through at least November 30, 2012, the parties agree that no issue remains for resolution by this Administrative Law Judge. The petitioner was encouraged to submit the requested wage verification so that his BCP-C can remain in force in the future.

### **CONCLUSIONS OF LAW**

Because the Department has now corrected its error by certifying the petitioner for BCP-C from March 1, 2012 through at least November 30, 2012, the parties agree that no issue remains for resolution by this Administrative Law Judge.

**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 26th day of November, 2012

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\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 November 26, 2012.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability