



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

BCS/144872

PRELIMINARY RECITALS

Pursuant to a petition filed October 26, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Barron County Department of Human Services in regard to Medical Assistance, a hearing was held on November 27, 2012, at Barron, Wisconsin.

The issue for determination is whether the county agency correctly included the income of the petitioner's 18-year-old son when determining her BadgerCare Plus 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:

Barron County Department of Human Services
Courthouse Room 338
330 E Lasalle Ave
Barron, WI 54812

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Barron County.
2. The petitioner's son who lives with her turned 18 in September 2012.
3. The petitioner's son is employed. He works 24 hours a week and earns \$9 per hour.

4. The county agency raised the petitioner's BadgerCare Plus premium to \$79 a month after receiving notice that her son is working.

DISCUSSION

BadgerCare Plus provides medical assistance coverage to children under 19 and their parents or caretakers. Wis. Stat. § 49.471; *BadgerCare Plus Eligibility Handbook*, § 2.1. Unless they are pregnant, adults are ineligible if their household income exceeds 200% of the federal poverty limit. Wis. Stat. § 49.471(4)(a). Adults must pay a premium based upon countable household income if that income exceeds 150% of the federal poverty level; a premium must be paid on behalf of minor children if the household income exceeds 200% of the federal poverty level. Wis. Stat. § 49.271(1)(b). The earned income of children in the household is exempt until that child turns 18. *BadgerCare Plus Handbook*, § 16.2.6.

The county agency began counting the income of the petitioner's son after he turned 18. She contends that this is unfair because he is a high school student with his own expenses. Although I understand her position, I must follow the BadgerCare Plus rules when determining her premium. Those rules clearly require his income to be counted once he turns 18. Therefore, I must find that the agency correctly included that income when determining her premium.

CONCLUSIONS OF LAW

The county agency correctly included the income of the petitioner's 18 -year-old son when determining her BadgerCare Plus premium.

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 4th 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 4, 2012.

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