



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

BCC/145128

PRELIMINARY RECITALS

Pursuant to a petition filed November 12, 2012, under Wis. Stat., §49.45(5)(a), to review a decision by the Milwaukee Enrollment Services to deny Medical Assistance (MA), a hearing was held on December 12, 2012, by telephone.

The issue for determination is whether petitioner is eligible for the BadgerCare Plus (BC+) Core Plan.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Sharon Thacker
Milwaukee Enrollment Services
1220 W. Vliet St.
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner formerly received MA under the BC+ Core Plan. Eligibility ended June 1, 2011 because petitioner did not complete a review. He did not complete the review because he was incarcerated.
3. After petitioner was released in October, 2012, he applied for the Core Plan on October 15. By a notice dated October 16, 2012, MA was denied because petitioner is not elderly, blind, or disabled, and because the Department has closed enrollment into the Core Plan.

DISCUSSION

The BC+ Core Plan is a Wisconsin variant on MA for adults without dependent children, which provides basic health care coverage to adults who do not otherwise qualify for Medicaid or the BadgerCare Plus Standard or Benchmark Plans (that is, they do not care for minor children).

In October, 2009, the Department ceased taking new Core Plan applications because of insufficient funding. See BC+ Handbook, Appendix 43.10. The cap includes applications made by individuals who formerly were eligible for the Core Plan. As of this date the enrollment cap remains in place, and thus the agency correctly declined to process petitioner's application for the Core Plan. Petitioner stated during the hearing that he believed he is disabled. It was recommended that he file an application for disability-based MA.

CONCLUSIONS OF LAW

The agency correctly denied petitioner's application for BC+ Core Plan MA because of the Department's enrollment cap.

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 14th day of December, 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 December 14, 2012.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability