



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

BCS/144710

PRELIMINARY RECITALS

Pursuant to a petition filed October 23, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the La Crosse County Department of Human Services in regard to Medical Assistance (MA), a hearing was held on January 25, 2013, by telephone.

The issue for determination is whether the Department correctly discontinued the petitioner's BadgerCare Plus (BCP) coverage effective October 1, 2012.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Tom Miller, Supervisor
Western Region for Economic Assistance (consortium)
La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Monroe County.

2. BCP is a Wisconsin variant of MA for low-income households containing minor children and/or pregnant women. The petitioner had an ongoing BCP case prior to October 2012. Her case was due for a review/renewal no later than September 30, 2012.
3. A BCP renewal form was mailed to the petitioner at [REDACTED] on August 13, 2012. Exhibit 1-C. This was the petitioner's correct mailing address on this date. The Department also sent a *FoodShare and/or Child Care Six Month Report Form* to the petitioner on August 20, 2012, *to the same address*, and the petitioner acknowledges receiving the *Report Form*.
4. The petitioner received the BCP renewal form mailed on August 13, 2012.
5. The petitioner did not return the BCP renewal form.
6. On September 18, 2012, the Department issued written notice to the petitioner advising that her BCP would be discontinued effective October 1, 2012. Exhibit 1-E.

DISCUSSION

BadgerCare Plus is an expansion of the Wisconsin Medical Assistance program meant to provide insurance for children under 19 and their parents. Wis. Stat. §49.471; *BadgerCare Plus Eligibility Handbook (BCPEH)*, 1.1. This is a means-tested program, with no adults eligible for coverage unless their income is at or below 200% of the Federal Poverty Level (FPL). *BCPEH*, § 1.1.1, available at <http://www.emhandbooks.wisconsin.gov/bcplus/bcplus.htm>.

A review of an ongoing participant's eligibility is required every year. *Id.*, § 26.1.1. There is no dispute that the petitioner's review was due in September 2012. The petitioner was notified of the review requirement and sent a review form on August 13, 2012. If a recipient does not timely submit his/her review form, the BCP case is discontinued. *Id.*, § 26.3.

The petitioner admits that she did not complete the review form and send it in. She says she did not do so because she did not receive the review form. Her assertion of nonreceipt was not credible. The review form was sent to the same address as her SMRF, which she does admit receiving. Why would she get one and not the other? Further, although I do sometimes hear recipients complain of the Department's Central Document Processing Unit misplacing documents submitted by recipients, I almost never hear recipients complain that they did not receive a SMRF or a BCP review form from the Department. Thus, the petitioner's assertion is quite unusual.

The Department correctly discontinued the petitioner's BCP for lack of a review. The petitioner may reapply for BCP at any time.

CONCLUSIONS OF LAW

The Department correctly discontinued the petitioner's BCP for lack of a review.

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 28th day of January, 2013

\sNancy J. Gagnon
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

David H. Schwarz
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on January 28, 2013.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability