



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

BCC/145506

PRELIMINARY RECITALS

Pursuant to a petition filed November 27, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on February 20, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether the Department erred in not enrolling petitioner in the BadgerCare Core Plan in late 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: Alma Lezama

Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner applied for medical assistance and FoodShare in January 2012.
3. Petitioner was granted family planning benefits and FoodShare and added to the BadgerCare Core Plan waitlist.

4. In October 2012, the Department mistakenly notified petitioner that she would be enrolled in BadgerCare Core Plan and requested a \$60 processing fee. As of that date, there were in excess of 120,000 people ahead of petitioner on the BC Core waitlist.
5. The Department realized its error and refunded the fee. Petitioner was maintained on the waitlist.
6. On November 27, 2012, petitioner filed a Request for Fair Hearing form claiming her payment was never processed.

DISCUSSION

BCP-C is for non-disabled, childless adults in Wisconsin with income under 200% of the Federal Poverty Level. There is currently a waiting list for new BCP-C applicants:

43.10 CORE PLAN ENROLLMENT CAP (WAITLIST)

Core Plan applications received after 5:00 P.M. on October 9, 2009, will not be processed.

A Waitlist was established on October 9, 2009 because the total number of applications received is greater than the amount of funding available.

See, *BCP Eligibility Handbook*, § 43.10, at <http://www.emhandbooks.wisconsin.gov/bcplus/bcplus.htm>.

It is clear that petitioner's notice of enrollment was an error. She is not eligible for the program at this time and there are thousands ahead of her in line. It is unfortunate that the Department led her to believe that she would be enrolled. But, this was an administrative error to which no relief is due. The error was corrected and petitioner's payment was returned.

CONCLUSIONS OF LAW

Petitioner is not eligible for present enrollment in BC Core.

THEREFORE, it is

ORDERED

That this 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 20th day of March, 2013

\sJohn P. Tedesco
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 March 20, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability