



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

BCC/145674

PRELIMINARY RECITALS

Pursuant to a petition filed December 03, 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 January 10, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether the Department erred in its termination of BC+ benefits to petitioner effective November 1, 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: Katherine May
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. The Department conducted a renewal for BC+ for petitioner on October 29, 2012. Petitioner did not pay his processing fee by that deadline, however.
3. The Department closed his BC+ for failure to pay the processing fee effective November 1, 2012.

4. Petitioner did ultimately pay the fee on December 11, 2012. The Department reinstated petitioner's case effective December 15, 2012.

DISCUSSION

An MA recipient must complete periodic reviews to continue eligibility. Wis. Adm. Code, §DHS 102.04(3); BC+ Handbook, Appendix 26.1. Whenever a new application or renewal is processed the BC+ Core Plan applicant/recipient must pay a \$60 processing fee. See Handbook, App. 43.9 concerning renewals. Failure to pay the fee results in the application/renewal being denied because the processing is incomplete. Handbook, App. 43.4.2. There is no good cause exception in the policy for failing to pay the enrollment fee. A homeless person can request that the fee be waived, but not after missing the payment date.

Petitioner was discontinued due to non-payment of the fee. This action was correct. Petitioner testified that he has been reinstated and is now receiving benefits. He further testified that he did not incur any medical costs during the lapse. Thus, the lapse has no apparent impact on petitioner.

CONCLUSIONS OF LAW

The Department did not err in its termination of BC+ from 11/1/12 to 12/15/12 for failure to pay the processing fee.

THEREFORE, it is

ORDERED

That this matter 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 8th day of February, 2013

\sJohn P. Tedesco
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 February 8, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability