



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

BCC/145984

PRELIMINARY RECITALS

Pursuant to a petition filed December 14, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Dane County Department of Human Services [“County”] in regard to Medical Assistance [“MA”], a Hearing was held on January 29, 2013, at Madison, Wisconsin. The Hearing for this matter was held at the same time as the Hearing for the following related matter concerning the same petitioner: FOO-145985.

The issue for determination is whether it was correct to charge petitioner a \$78.00 per month MA BadgerCare Plus Core [“BC+ Core”] premium 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: Antonio Esterrich, Lead ESS

Daiana Ramos, ESS

Dane County Department of Human Services
1819 Aberg Avenue
Suite D
Madison, WI 53704-6343

OTHER PERSON PRESENT:

[REDACTED] petitioner’s friend

ADMINISTRATIVE LAW JUDGE:
Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. In September 2012 petitioner submitted a Six- Month report Form ["SMRF"] to the County on which she reported working; on September 14, 2012 the County processed the SMRF and on September 24, 2012 the County received employer verification of petitioner's earnings. Exhibits #1 & #2.
3. Petitioner's increased income caused her to have a \$78.00 per month BC+ Core premium effective November 1, 2012.

DISCUSSION

The existence and amount of a BC+ Core premium depends on income. See, *BadgerCare + Eligibility Handbook* ["BC+EH"] 43.7.3.1 & 43.7.3.1.2. Petitioner does not dispute that, given her income as verified by her employer in September 2012, it was correct to charge her a \$78.00 per month BC+ Core premium effective November 1, 2012. Petitioner argues her income is actually less because she works less hours than what her employer verified to the County in September 2012. See, Exhibit #5. However, it was not until the time of the January 29, 2013 Hearing in this matter that petitioner reported to the County that she worked less hours. Therefore, that information can not alter the BC+ Core premium that was effective for November 2012. That information may impact her BC+ Core premium going forward. See, BC+EH 27 & 43.7.3.9.1.

CONCLUSIONS OF LAW

For the reasons explained above, it was correct to charge petitioner a \$78.00 per month BC+ Core premium effective November 1, 2012.

NOW, 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 7th day of February, 2013

\sSean P. Maloney
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

█ 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 February 7, 2013.

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