



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

BCS/146062

PRELIMINARY RECITALS

Pursuant to a petition filed December 18, 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 30, 2013, at Milwaukee, Wisconsin.

Currently, no issue remains for determination by the Division of Hearings and Appeals.

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

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On December 3, 2012, the Milwaukee Enrollment Services (the Agency) sent Petitioner a notice indicating that her BadgerCare+ benefits would be ending effective January 1, 2013, apparently

because someone surreptitiously used her son's social security number to open a FoodShare case. (Exhibit 5; Testimony of Petitioner and Ms. Thacker)

3. Petitioner filed a request for fair hearing that was received by the Division on December 18, 2012. (Exhibit 1)
4. The agency corrected the error and on December 24, 2012, sent Petitioner a notice that effective January 1, 2013, she would still have BadgerCare+ benefits. Petitioner's benefits have been on-going, to date. (Exhibit 6; Petitioner's testimony)

DISCUSSION

Because the agency corrected the error concerning Petitioner's son and Petitioner has not, to date, lost her BadgerCare+ benefits, there is no longer any dispute for the Division of Hearings and Appeals to resolve.

Petitioner expressed concerns about the fact that her son will be turning 19 in February, which will cause her to lose her BadgerCare+ benefits effective March 1, 2013. However, that issue is not ripe for adjudication, because no notice of action has been sent to Petitioner about this matter, as of the date of this hearing.

Even if the termination of benefits effective March 1, 2013, were ripe for review, the BadgerCare+ Eligibility Handbook (*BEH*) makes clear in section 2.1 that in order to be eligible for benefits, an individual must either be under age 19, a pregnant woman or a parent/caretaker of a child under age 19. Consequently, when her child turns 19, the agency would be correct in terminating her BadgerCare+ benefits, since Petitioner is neither under age 19, is not apparently pregnant, and will no longer be a parent or caretaker of a child under age 19.

Petitioner is reasonably upset by this, given her health issues, in particular her rheumatoid arthritis which requires special injections to treat.

Ms. Thacker indicated that Petitioner can apply for medical assistance under a presumptive disability, to see if she is eligible for disability-based Medicaid.

Petitioner could also file an application for BadgerCare Core benefits, but there is a substantial wait list for that program.

Petitioner can also look into the Health Insurance Risk Sharing Plan (HIRSP) for Wisconsin residents who have health conditions that prevent them from getting insurance coverage. The HIRSP also offers subsidies to help reduce premiums for households with incomes below \$40,000. *Please see HIRSP.org for further information or contact HIRSP at:*

1751 W. Broadway
P.O. Box 8961
Madison, WI 53708-8961

Phone: (800) 828-4777
Phone: (608) 221-4551
Fax: (608) 226-8770
email: HIRSPweb@wpsic.com

CONCLUSIONS OF LAW

That there is no current issue remaining for resolution by the Division of Hearings and Appeals regarding Petitioner's BadgerCare+ benefits at this time.

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 Milwaukee,
Wisconsin, this 1st day of February, 2013.

\sMayumi M. Ishii
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 February 1, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability