



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCC/146352

PRELIMINARY RECITALS

Pursuant to a petition filed January 04, 2013, 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 March 13, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether the Department erred in its termination of petitioner from BadgerCare due to his failure to complete a required renewal.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[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. Petitioner was a member of BadgerCare Core Plan ("BCC").
3. A renewal letter was mailed to petitioner on October 15, 2012 informing him that he was required to complete a renewal by November 30, 2012. The letter spelled out the process of renewal including the online or telephone options and payment of the processing fee.

4. On October 29, 2012, the Department sent a letter to petitioner informing him that is scheduled a phone appointment for him to complete his renewal on November 7, 2012. The letter informed petitioner to contact the agency if he could not attend and wished to reschedule or complete online or by phone. It also let him know that if he did not complete an interview his benefits would end.
5. On November 7, 2012, the agency attempted to contact petitioner by phone and left a phone message.
6. On November 19, 2012, the Department sent a notice to petitioner informing him that his benefits would be ending on December 1, 2012 and that if he wished to keep getting BCC he needed to contact the agency before the end of the month.
7. All the above notices were mailed to [REDACTED] which was the correct address for petitioner.
8. Petitioner filed a request for fair hearing on January 4, 2013.

DISCUSSION

The BadgerCare Plus Core Plan expands medical assistance to allow adults without dependent children who would not otherwise qualify for the program to receive benefits. Wis. Stat. § 49.45(23); *BadgerCare Plus Eligibility Handbook*, § 43.2. Each year, those seeking benefits must renew their application and pay a \$60 fee. *BadgerCare Plus Eligibility Handbook*, § 43.4.1. Those who fail to complete all renewal requirements within 12 months of when they previously became eligible are terminated from the program. They can reenroll if they meet all of the program’s renewal requirements by the later of last day of the 13th month after most recently being found eligible or 10 days after Enrollment Services requests verification or payment of the \$60 fee. *BadgerCare Plus Eligibility Handbook*, § 43.9.

At the time of the hearing, petitioner explained that his mother was collecting mail for him. He stated that she placed his mail in a certain area “that went unchecked” and that he “did not come across.” “It was just a big disorganized mess of not getting my mail the way I was supposed to.” Petitioner also explained that he was coming off medication for depression and ADHD and he was disorganized with regard to paperwork at that time.

On this record, I have to conclude that the Department did not err in any way. It sent repeated notices and even called petitioner. It is unfortunate that petitioner suffered a lack of organization, but that is not the responsibility of the Department and I cannot overturn the Department action because it acted well within the bounds of the rules of the program and the applicable law.

CONCLUSIONS OF LAW

The Department did not err in terminating petitioner from BCC because he failed to renew his enrollment even after the Department’s numerous notices that he do so.

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 10th day of April, 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 April 10, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability