



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

BCC/146657

PRELIMINARY RECITALS

Pursuant to a petition filed January 17, 2013, under Wis. Stat., §49.45(5)(a), to review a decision by the Milwaukee Enrollment Services to discontinue Medical Assistance (MA), a hearing was held on March 13, 2013, by telephone.

The issue for determination is whether petitioner failed to pay her BadgerCare Plus (BC+) Core Plan premium.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

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

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner was eligible for BC+ Core Plan MA with a \$68 per month premium. She did not pay her November, 2012 premium because she was short of money.
3. By a notice dated November 19, 2012, the agency informed petitioner that the MA would end December 1, 2012 because she failed to pay her premium.

DISCUSSION

The BC+ Core Plan is a Wisconsin variant on MA for adults without dependent children, which provides basic health care coverage to adults who do not otherwise qualify for Medicaid or the BadgerCare Plus Standard or Benchmark Plans (that is, they do not care for minor children). Individuals with income above 133% of the federal poverty limit are required to pay a monthly premium as a condition of eligibility. BC+ Handbook, Appendix 43.7.3.1. If an individual with a premium obligation fails to pay the premium by adverse action of the benefit month, Core Plan will close for the individual who owed a premium unless there was good cause. Handbook, App. 43.7.3.7.1. Good cause reasons are listed at Appendix 43.7.3.7.3. They include problems with the bank, with the local MA agency, with wage withholding, or with the Department's computer system. Lack of funds to pay the premium is not a good cause reason. A missed premium can be paid up until the end of the month that the case closes; thus petitioner could have paid the November premium prior to January 1, 2013 to keep her MA open.

I must conclude that the agency correctly closed petitioner's BC+ Core Plan because she did not pay her November premium. There is no discretion in the program allowing the Division of Hearings and Appeals to make an exception unless the payment was missed due to good cause.

I note finally that petitioner's appeal technically was untimely because it was made after the 45 -day limit to appeal. However, petitioner testified that she did not receive the termination notice because of mail delivery problems. Nevertheless, I must find that the termination was correct.

CONCLUSIONS OF LAW

The agency correctly closed petitioner's BC+ Core Plan MA because she did not pay her November, 2012 premium.

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 15th day of March, 2013

\sBrian C. Schneider
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 March 15, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability