



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

BCC/146980

PRELIMINARY RECITALS

Pursuant to a petition filed January 28, 2013, under Wis. Stat., §49.45(5)(a), to review a decision by the Rock County Dept. of Social Services to discontinue Medical Assistance (MA), a hearing was held on February 26, 2013, by telephone.

The issue for determination is whether petitioner's income is over the BadgerCare Plus Core Plan limit.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Don Oswald
Rock County Dept. of Social Services
P.O. Box 1649
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County.
2. Petitioner received Core Plan MA until the agency action. He had an annual renewal done in December, 2012. Petitioner started to receive social security in 2012, so his social security plus his employment income totaled \$2,028 per month.
3. By a notice dated December 19, 2012, the agency informed petitioner that Core Plan MA would end January 1, 2013 because he needed to complete the renewal. Following the renewal the

agency informed petitioner by a notice dated January 21, 2013 that Core Plan MA was denied because income was over the limit.

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). The gross income limit is 200% of the Federal Poverty Level (FPL). BCP Handbook, §43.2, Wis. Stat. §49.45(23). Currently, 200% of the FPL for a two-person household is \$1,861.66. Handbook, §50.1.

Petitioner noted that his income increased back in April, 2012, and he was given a premium. However, eligibility testing for the Core Plan is done only at renewals. Thus although petitioner's income increased to above the limit in April, 2012, his eligibility did not end until the renewal. I must conclude that the agency correctly denied MA because petitioner's income was above the limit.

CONCLUSIONS OF LAW

Petitioner is ineligible for the BadgerCare Plus Core Plan because his income is above the limit.

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 1st 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 1, 2013.

Rock County Department of Social Services
Division of Health Care Access and Accountability