



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCC/147150

PRELIMINARY RECITALS

Pursuant to a petition filed February 07, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services ["MiLES"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on May 01, 2013. At petitioner's request Hearings scheduled for April 9, 2013 and March 5, 2013 were rescheduled.

The issue for determination is whether it was correct to discontinue petitioner's MA BadgerCare Plus Core ["MA Core"] effective February 1, 2013.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Belinda Bridges, Income Maintenance Specialist ["IMS"] Advanced
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.

2. Petitioner received a letter notice dated December 19, 2012 and entitled *About Your Benefits*; that notice informed him that he must pay a \$47.00 monthly premium for his MA Core; the premium was due January 10, 2013.
3. On December 31, 2013 petitioner attempted to pay his MA Core monthly premium via fax using his credit card; this payment was not processed by MiLES.
4. Petitioner received a payment coupon to use in payment of his MA Core monthly premium but did not use it because he had already sent payment via fax using his credit card.
5. The County discontinued petitioner's MA Core effective February 1, 2013 because petitioner's premium was not paid by January 10, 2013.

DISCUSSION

The following individuals must pay a premium to become or remain eligible for BC+ Core Plan: Members with income above 133% of the FPL are required to pay monthly premiums as a condition of enrollment and continued eligibility unless exempt.

The following individuals are exempt from the requirement to pay a premium: Members who are blind or disabled, as determined by the Disability Determination Bureau ["DDB"], through the presumptive disability process or MAPP Disabled; and, Tribal members, the son or daughter of a tribal member, the grandson or granddaughter of a tribal member or anyone eligible to receive Indian Health Services.

BadgerCare + Eligibility Handbook ["BCEH"], 43.7.3.1.

Payment methods include:

1. Direct payment by check or money order.
2. Electronic Funds Transfer ["EFT"].
3. Wage withholding from each paycheck received.

Members will be sent a premium coupon monthly to use to submit a check or money order by mail.

BCEH 43.7.3.3.

If an individual with a premium obligation fails to pay the premium by adverse action of the benefit month, Core Plan will close for those individuals who owed a premium and those individual(s) are not eligible for 12 calendar months following the date on which their coverage terminated, unless there was good cause.

BCEH 43.7.3.7.1.

Good cause reasons for not paying the Core Plan premium are:

1. Problems with the financial institution.
2. CARES problem.
3. [Local agency](#) problem.
4. Wage withholding problem.

5. Fair hearing decision.

BCEH 43.7.3.7.3.

In this case petitioner attempted to pay his \$47.00 premium using a non-approved payment method (his credit card). For this reason his payment was not processed by the County. Petitioner testified that he was confused by the process and did not use the payment coupon that was sent to him because he had already sent payment via fax using his credit card. All of this may be correct, but state policy, as detailed above, requires that premium payments be made within certain deadlines using only certain methods.

CONCLUSIONS OF LAW

For the reasons discussed above, it was correct to discontinue petitioner's MA Core effective February 1, 2013.

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 4th day of June, 2013

\sSean P. Maloney
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 June 4, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability