



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCC/147953

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**PRELIMINARY RECITALS**

Pursuant to a petition filed March 07, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Walworth County Department of Human Services in regard to Medical Assistance, a hearing was held on April 15, 2013, at Elkhorn, Wisconsin.

The issue for determination is whether the Department erred in terminating petitioner's BC+ Core enrollment due to his failure to complete a 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: Mia Anderson

Walworth County Department of Human Services  
W4051 County Rd NN  
Elkhorn, WI 53121-1006

**ADMINISTRATIVE LAW JUDGE:**

John P. Tedesco  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Walworth County.
2. Petitioner was enrolled in the BadgerCare Core Plan.
3. The Department sent petitioner a notice on December 17, 2012 informing him that he needed to complete a Core Plan renewal before January 31, 2013 if he wanted to continue plan enrollment.

4. The Department sent a notice on January 18, 2013 informing petitioner that his plan enrollment would end on February 1, 2013 if he did not complete his renewal. He was advised to contact his agency before the end of the month.
5. Both notices were properly sent to petitioner's home address.
6. Petitioner filed a request for hearing on March 11, 2013.

#### **DISCUSSION**

The BadgerCare Plus (BCP) "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+ Standard or Benchmark Plans. A successful applicant must have gross income below 200% of the Federal Poverty Level (FPL). A BCP Core Plan participant must timely complete his/her renewal application per *BadgerCare Plus Eligibility Handbook*, §43.9 and Operations Memo 10-14.

During the hearing, the agency representative explained that petitioner's Core Plan was discontinued as of February 1, 2013 due to the petitioner failing to complete his renewal application prior to the January 31, 2013 deadline. The petitioner admitted that he did not complete his Core Plan renewal prior to January 31, 2013. He explained that he goes to school in Milwaukee and has a hectic schedule. He explained that some family members must have misplaced his mail and he only got the notices a day or two before he sent his request for hearing. The failure of petitioner and his family to properly manage mail and ensure that important personal business is attended to in a timely manner is not a basis to reverse the Department action. The Department did not commit any error.

#### **CONCLUSIONS OF LAW**

The Department did not err in terminating BadgerCare Core for petitioner.

**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 17th day of May, 2013

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\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 May 17, 2013.

Walworth County Department of Human Services  
Division of Health Care Access and Accountability