



FH  
[REDACTED]

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

---

In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/148875

---

**PRELIMINARY RECITALS**

Pursuant to a petition filed April 18, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Brown County Human Services ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on May 20, 2013.

The issue for determination is whether it was correct to discontinue petitioner's BadgerCare plus Medical Assistance ["BC+"] effective May 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: Kristy Warden, ES Supervisor  
Brown County Human Services  
Economic Support-2nd Floor  
111 N. Jefferson St.  
Green Bay, WI 54301

**ADMINISTRATIVE LAW JUDGE:**

Sean P. Maloney  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]; age 48 years) is a resident of Brown County.
2. The County discontinued BC+ for petitioner effective May 1, 2013.

3. Petitioner's son ["DS"] lives with her; he turned 19 years old in early April 2013; petitioner now has no children living with her (other than her 19-year-old son).
4. Petitioner is not any of the following: pregnant; the parent/caretaker of a child(ren) under 19 years of age; a young adult exiting out of home care (such as foster care); or, a parent/caretaker relative whose child(ren) have been removed from the home and placed in out of home care.

### DISCUSSION

In order to be eligible for BC+ a person who is 19 years of age or older must be 1 of the following: pregnant; the parent/caretaker<sup>1</sup> of a child(ren) under 19 years of age; a young adult exiting out of home care (such as foster care); or, a parent/caretaker relative whose child(ren) have been removed from the home and placed in out of home care. Wis. Stat. § 49.471(4) (2011-12); Wis. Admin. Code § DHS 103.03(1)(f)1. (December 2008); *BadgerCare + Eligibility Handbook* ["BC+ Handbook"] 1.1 & 2.1. Petitioner is any of these things and does not claim to be. Therefore, it was correct to discontinue BC+ effective May 1, 2013.

Petitioner testified that she needs her medications in order to function. Further, she produced a letter dated March 19, 2013 from her psychiatrist stating, in part, that petitioner: "requires her psychiatric medications to maintain stability . . . I am very concerned that she will decompensate and get to a point where she would be unable to maintain employment if she were not able to access her psychiatric medications." Petitioner's circumstances are sympathetic. However, eligibility for BC+ is governed by law as detailed above.

### CONCLUSIONS OF LAW

For the reasons discussed above, it was correct to discontinue petitioner's BC+ effective May 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

---

<sup>1</sup> A *caretaker relative* means an individual who, among other things, is maintaining a residence as a child's home and who exercises primary responsibility for the child's care and control including making plans for the child. Wis. Stat. § 49.471(1)(b) (2011-12).

"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 21st day of May, 2013

---

\sSean P. Maloney  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

David H. Schwarz  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on May 21, 2013.

Brown County Human Services  
Division of Health Care Access and Accountability