



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/149101

PRELIMINARY RECITALS

Pursuant to a petition filed April 30, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Kenosha County Human Service Department in regard to Medical Assistance, a hearing was held on June 05, 2013, at Kenosha, Wisconsin.

The issue for determination is whether the county agency correctly discontinued Petitioner's BadgerCare+ Medicaid benefits.

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: Karen Mayer

Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Kenosha County.
2. On or about February 21, 2013 the economic support agency was notified that Petitioner no longer had children in her custody. The children have been removed from Petitioner's custody by social services and were placed with their father.

3. The agency sent Petitioner a Notice of Decision dated March 4, 2013 that informed her that her BadgerCare+ benefits are being discontinued effective April 1, 2013 because she no longer met eligibility standards.
4. Conditions were set for the return of Petitioner's children. The record was held open to give Petitioner an opportunity to submit evidence demonstrating that she had complied with the conditions and that the children would be returning. Evidence demonstrating that compliance and return of the children was not submitted to the Division of Hearings and Appeals.

DISCUSSION

To be eligible for BadgerCare+ an individual must meet nonfinancial eligibility criteria. Those requirements are detailed in the *BadgerCare + Eligibility Handbook at §2.1* and those threshold requirements are as follows:

1. Children under 19.
2. Pregnant Women.
3. Parents/Caretakers of children under 19 years of age, including some parents and caretakers whose children have been removed from the home and are in the care of the child welfare system.
4. Young adults exiting out of home care (such as foster care).

Petitioner does not meet the nonfinancial requirements detailed above for eligibility for BadgerCare+.

It is also worthy of note that Petitioner had informed the agency that she was pregnant. A request for verification of that pregnancy was sent Petitioner on April 8, 2013. Petitioner did not provide that verification to the agency.

CONCLUSIONS OF LAW

That county agency correctly discontinued Petitioner's BadgerCare+ because she no longer meets nonfinancial eligibility requirements for those programs.

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 Milwaukee,
Wisconsin, this 25th day of July, 2013

\sDavid D. Fleming
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 July 25, 2013.

Kenosha County Human Service Department
Division of Health Care Access and Accountability