



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCC/149562

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**PRELIMINARY RECITALS**

Pursuant to a petition filed May 23, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Fond Du Lac County Department of Social Services ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on July 16, 2013.

The issue for determination is whether it was correct to discontinue petitioner's MA BadgerCare Plus Core ["MA Core"] effective July 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: Barbara Rivera, ES Training  
Fond Du Lac County Department of Social Services  
87 Vincent Street  
Fond Du Lac, WI 54935-4595

**ADMINISTRATIVE LAW JUDGE:**

Sean P. Maloney  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Fond Du Lac County.

2. Petitioner is currently employed and had access in the last 12 months to health insurance sponsored by her employer for which her employer pays a percentage of the premiums.
3. The County discontinued petitioner's MA Core effective July 1, 2013 because petitioner had access in the last 12 months to employer sponsored health insurance.

### DISCUSSION

A person is not eligible for MA Core if they have current or past access to employer sponsored health insurance through a current employer. Health insurance is considered to be *employer sponsored* only if the employer contributes some amount to the cost of the insurance. If the employer pays no portion of the premium it is not considered *employer sponsored*. *BadgerCare + Eligibility Handbook* ["BC+H"], 43.6.6.; See also, BC+H 43.2. and Wis. Stat. § 49.45(23) (2011-12).

An individual who had access to employer sponsored insurance through his/her current employer (or his/her spouse's or parent's current employer) in the past 12 months is ineligible, regardless of the amount of the employer contribution, unless there is a good cause reason for not signing up for the insurance. The good cause reason only applies at the time of application. There will be no good cause reasons granted at renewal if the member did not sign up for the employer sponsored insurance while he/she was enrolled in MA Core.

The good cause reasons for not signing up for employer insurance in the past 12 months are:

- The individual was enrolled in a public health care benefit at the time s/he could have signed up for the employer sponsored plan. Public health care benefit includes the Health Insurance Risk Sharing Plan ["HIRSP"] (the temporary high risk pool is also considered HIRSP for purposes of the waiting period), BadgerCare Plus Standard or Benchmark Plan, Medicaid, the Veteran's Administration ["VA"] or other public health care program for the uninsured.
- The individual tried to sign up for an employer sponsored plan but was denied coverage for pre-existing conditions.

BC+H 43.6.6.

Petitioner acknowledges that she had access in the last 12 months to health insurance sponsored by her current employer for which her employer pays a percentage of the premiums. She does not claim any good cause reason for failing to enroll in her employer sponsored health insurance. Therefore, it was correct to discontinue petitioner's MA Core effective July 1, 2013.

Petitioner testified that she "did not read the booklet" and did not know she had to take her employer sponsored health insurance. This is unfortunate, but does not change the MA Core eligibility requirements as detailed above.

**CONCLUSIONS OF LAW**

For the reasons discussed above, it was correct to discontinue petitioner's MA Core effective July 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 19th day of July, 2013

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\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 July 19, 2013.

Fond Du Lac County Department of Social Services  
Division of Health Care Access and Accountability