



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/149827

PRELIMINARY RECITALS

Pursuant to a petition filed June 06, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on July 10, 2013, at Milwaukee, Wisconsin. The record was held open for a period of 10 days to allow for the submission of further documentation.

The issue for determination is whether the county agency correctly placed the petitioner in restrictive reenrollment for the BadgerCare Plus program because she failed to pay her premium.

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: Belinda Bridges
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Peter McCombs (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner was eligible for Medical Assistance in at least November of 2012, subject to payment of a premium of \$77.00.

3. Petitioner had twice paid her monthly premiums, but only paid \$65.00 toward her November, 2012 premium. As a result she was placed into restrictive reenrollment for a 12 month period.
4. The petitioner did not pay her entire November, 2012, premium and was placed in restrictive reenrollment status in December, 2012.

DISCUSSION

The petitioner had been receiving medical assistance under BadgerCare Plus, which covers children under 19 and their parents. Wis. Stat. § 49.665. The county agency ended her benefits because she failed to pay the premium due in full by the required. The program’s rules require recipients to pay a premium by “the 10th of the month prior to the month for which the premium is required.” Wis. Admin. Code § DHS 103.085(1)(d)2. If a person fails to pay the premium by the end of the month for which it is due, benefits end on the last day of that month. Wis. Admin. Code § DHS 103.085(1)(d)3. Those whose benefits end because they did not pay a premium cannot reenroll for 12 months unless they did not pay because of circumstances beyond their control. These circumstances include:

- a. A problem with an electronic funds transfer from a bank account to the BadgerCare program.
- b. A problem with an employer's wage withholding.
- c. An administrative error in processing the premium.
- d. Any other circumstance affecting payment of the premium which the department determines is beyond the group's control, but not including insufficient funds.

Wis. Admin. Code, § DHS 103.085(3)(b)1

The petitioner contends that she did not receive a notice indicating that she had a payment due. The respondent countered that petitioner had already submitted two payments, and had partially paid the November, 2012, premium, so she must have known that she needed to pay. I concur with the respondent’s position here.

Even if she did not receive the premium notice, she should have been aware that it was due every month. Furthermore, she acknowledges that she had made previous payments, though she argued that she had been told by someone that she didn’t have to pay a premium any longer. Nothing in the record substantiates petitioner’s alleged receipt of this misinformation, and petitioner was unable to provide any evidence to provide a basis for this allegation. Accordingly, based upon the record before me, I conclude that the respondent correctly placed petitioner into restrictive reenrollment in December of 2012.

CONCLUSIONS OF LAW

The county agency correctly restricted the petitioner’s enrollment in the BadgerCare Plus program for 12 months because she did not pay her premium.

THEREFORE, it is

ORDERED

The petitioner's 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 9th day of August, 2013

\sPeter McCombs
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 August 9, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability