



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCC/150044

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**PRELIMINARY RECITALS**

Pursuant to a petition filed June 17, 2013, under Wis. Stat., §49.45(5)(a), to review a decision by the Milwaukee Enrollment Services to discontinue Medical Assistance (MA), a hearing was held on July 17, 2013, by telephone.

The issue for determination is whether petitioner failed to complete his BadgerCare Plus (BC+) Core Plan renewal.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703

By: Katherine May  
Milwaukee Enrollment Services  
1220 W. Vliet St.  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner received MA through the BC+ Core Plan. On February 11, 2013 the agency sent him a notice informing him that he had to complete his renewal by March 31, 2013. On February 26 an agency worker attempted to contact petitioner by phone but was unable to reach him.
3. On March 19, 2013 the agency sent a notice informing petitioner that MA would end April 1, 2013 because he did not complete his renewal.

4. On April 17, 2013 the agency sent petitioner a notice informing him that FoodShare (FS) would end May 1 because he did not complete a review. On May 7, 2013 petitioner filed his FS review application. FS were reopened but MA was not.

### DISCUSSION

An MA recipient must complete periodic reviews to continue eligibility. Wis. Admin. Code, §DHS 102.04(3); BC+ Handbook, Appendix 26.1. An enrollment period for the BC+ Core Plan is twelve months. Handbook, App. 43.5.3. A renewal must be completed by the end of the enrollment period. Handbook, App. 43.9. However, the person can still do the renewal in the month after the end of the enrollment period (the 13th month), but there will be a lapse in coverage. Id. The Core Plan cannot be reopened after the 13th month.

In petitioner's case the enrollment period ended March 31, 2013. To continue eligibility, even with a lapse, petitioner had to file a renewal by the end of April, 2013. He did not do so, and thus the agency correctly closed MA and refused to reopen it because the Plan is no longer taking new applications. See Handbook, App. 43.10.

Petitioner testified that he was told that he could do the Core Plan renewal at the same time as his FS renewal. That is true, but he did it backward. Had he done his MA renewal timely, the agency could have piggybacked his FS renewal. However, he did not do his MA renewal timely, so by the time he filed his FS renewal, it was too late to piggyback the MA renewal.

Petitioner's problem is not that he thought he could wait to do his MA renewal along with his FS review. The problem is that he did not pick up his mail from the mailing address for several months, and thus he was unaware of the need to do the reviews until early May, 2013. I note that his FS review also was filed late, but because FS did not close until April 30, it was still within the month after FS ended, so FS could be reopened.

The agency handled petitioner's case correctly. I cannot reverse the BC+ Core Plan termination.

### CONCLUSIONS OF LAW

The agency correctly discontinued petitioner's BC+ Core Plan MA because he did not complete his renewal within the required time limit.

**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 18th day of July, 2013

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\sBrian C. Schneider  
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 18, 2013.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability