



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FPO/150581

PRELIMINARY RECITALS

Pursuant to a petition filed July 11, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Adams County Health and Human Services in regard to Medical Assistance, a telephonic hearing was held on August 28, 2013, at Friendship, Wisconsin.

The issue for determination is whether the Department correctly denied the petitioner's May, 2013 Family Planning Only (FPO) application due to household income above the FP income eligibility limits.

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: Linda Gilman, ESS

Adams County Health and Human Services
108 E North Street
Friendship, WI 53934-9443

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Adams County who resides with her husband, Donald.
2. On or about May 30, 2013, the petitioner applied for Family Planning Only (FPO) benefits for a household of two.

3. The Family Planning (FP) services program provides limited benefits for family planning services for women and men with income at or below 300% of the Federal Poverty Level (FPL) and who are not eligible for other forms of Medicaid.
4. During the period of petitioner's May, 2013 FPO application, petitioner's total household income was above \$5,000 per month. During May and June, 2013, 300 % of FPL for a household of two was \$3,877.50.
5. The county agency sent a June 6, 2013 Notice of Decision to the petitioner stating that her May 30, 2013 FPO application was denied due to household income above the FPO income eligibility limits for a group of two. See Exhibit 1.

DISCUSSION

The Family Planning (FP) services program provides limited benefits for family planning services for women and men with income at or below 300% of the Federal Poverty Level (FPL) and who are not eligible for other forms of Medicaid. Like all Medicaid-related programs, a participant's eligibility is determined at time of application and then periodically reviewed. As part of that review, the Department must verify that the recipient's income is below the appropriate FPL. Countable income calculated in the application month is used to determine member's financial eligibility for the entire 12 month eligibility period. *BadgerCare Eligibility Handbook (BCPEH)*, § 40.5.1, "Income." Therefore, the Department correctly denied the petitioner's FP application. *BadgerCare Eligibility Handbook (BCPEH)*, § 40.10. The petitioner may re-apply for this benefit at any time.

During the August 28, 2013 hearing, the county agency representative established with testimony and evidence that it correctly denied petitioner's May 30, 2013 application due to household income above the FPO 300% income eligibility limits for a group of two (\$3,877.50). The petitioner did not dispute that her May, 2013 household income was above the FP income limit. However, petitioner alleged that as of winter her household income would likely reduce. However, the decision regarding petitioner's income eligibility is determined by her income at the time of application, not speculation as to future possible reduction in her household income. If her household does decline, petitioner may re-apply for FPO benefits at that time.

CONCLUSIONS OF LAW

The Department correctly denied the petitioner's May, 2013 Family Planning Only (FPO) application due to household income above the FPO income eligibility limits.

THEREFORE, it is

ORDERED

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 7th day of October, 2013

\sGary M. Wolkstein
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 October 7, 2013.

Adams County Health and Human Services
Division of Health Care Access and Accountability