



STATE OF WISCONSIN  
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/150686

**PRELIMINARY RECITALS**

Pursuant to a petition filed July 13, 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 August 19, 2013, at Kenosha, Wisconsin.

The issue for determination is whether the Kenosha County Human Service Department (the agency) correctly terminated Petitioner’s BadgerCare+ benefits.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:



Respondent:

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

By: Karen Mayer, Fair Hearing Representative  
Kenosha County Human Service Department  
8600 Sheridan Road  
Kenosha, WI 53143

**ADMINISTRATIVE LAW JUDGE:**

Mayumi M. Ishii  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # ) is a resident of Kenosha County.
2. Petitioner’s son turned 19 in July 2013. (Exhibit 4; Testimony of Petitioner)
3. On July 8, 2013, the agency sent Petitioner a notice indicating that her healthcare benefits would be ending effective August 1, 2013. (Exhibit 3)

- Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on July 16, 2013. (Exhibit 1)

### **DISCUSSION**

BadgerCare Plus (BC+) is a state/federal program that provides health coverage for Wisconsin Families. *BadgerCare + Eligibility Handbook (BEH) §1.1.1*. Thus, in order to be eligible for BadgerCare+ benefits an individual must either be a child under 19, a pregnant woman, or a parent/caretaker of a child under age 19. *BEH §2.1*.

It is undisputed that the only child residing with Petitioner turned 19 in July 2013. Consequently, as of August 1, 2013, Petitioner was no longer eligible for BadgerCare+ benefits.

Petitioner expressed concerns because she has a number of chronic health problems. Petitioner might find the following websites useful, as they list free, reduced fee, or sliding fee clinics that she might be able to access:

[http://freeclinicdirectory.org/wisconsin\\_care/kenosha\\_wi\\_county.html](http://freeclinicdirectory.org/wisconsin_care/kenosha_wi_county.html)

<http://www.dhs.wisconsin.gov/forwardhealth/pdf/fqhc.pdf>

In addition, beginning October 1, 2013, Petitioner can apply for assistance in obtaining health insurance through Obamacare by calling 1-██████████ or going on-line at [www.healthcare.gov](http://www.healthcare.gov), although little useful information is likely to be available before October 1, 2013.

### **CONCLUSIONS OF LAW**

The agency correctly terminated Petitioner's BadgerCare+ benefits effective August 1, 2013.

**THEREFORE, it is**

**ORDERED**

That the petition 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 12th day of September, 2013.

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\sMayumi M. Ishii  
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 September 12, 2013.

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