FH
[redacted]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[redacted]

DECISION

BCS/150758

PRELIMINARY RECITALS

Pursuant to a petition filed July 19, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a telephonic hearing was held on August 13, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether Milwaukee Enrollment Services (MES) correctly discontinued petitioner's BadgerCare Plus eligibility effective August 1, 2013, due to no longer having non-financial eligibility (a child under 19 years of age residing in petitioner's home).

There appeared at that time and place the following persons:

PARTIES IN INTEREST:
Petitioner:

[redacted]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703
By: Paul Fredrickson, IM advanced
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:
Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [redacted]) is a 47 year old resident of Milwaukee County who received BadgerCare Plus (BC+) program benefits for a BC household of two (petitioner and her daughter, [redacted]).
2. [redacted] turned 19 years of age on July 27, 2013.

3. The petitioner received BadgerCare Plus benefits for her household based upon having a child under the age of 19 in his household. See Exhibit 1.
4. Milwaukee Enrollment Services (MES) sent a July 8, 2013 Notice of Decision to the petitioner stating that her BadgerCare Plus benefits would discontinue effective August 1, 2013, due to lack of non-financial eligibility (a child under 19 years of age residing in petitioner's home).
5. As of the August 13, 2013 hearing, the petitioner had not yet applied for MA or Social Security disability eligibility, and has not been determined disabled by the Disability Determination Bureau (DDB). The petitioner is not blind.

DISCUSSION

To be eligible for Medicaid, an individual must be elderly, blind or disabled. A finding of disability must be in accordance with federal Social Security/SSI standards. Wis. Stat. § 49.47(4)(a). Disability and blindness determinations are made by the Disability Determination Bureau (DDB) in the Department of Health and Family Services. Medicaid Eligibility Handbook § 5.2. These are the so-called "non-financial" eligibility requirements. Petitioner does not currently meet any of these requirements.

Badger Care is a state/federal program that provides health coverage for Wisconsin families. BC+ replaces the former AFDC-Medicaid, Healthy Start and BadgerCare. The following individuals are non-financially eligible for BC+: (1) children under 19; (2) pregnant women; **(3) parents/caretakers of children under 19 years of age,** including some parents and caretakers whose children have been removed from the home and are in the care of the child welfare system; or (4) young adults exiting out of home care (such as foster care).

In regard to this case, the relevant provisions are that BadgerCare Plus (BC+) is an expansion of the Wisconsin MA program designed to provide coverage to children under age 19 and their parents. See the Wis. Adm. Code, §DHS 103.03(1)(f). To be eligible for BC+, a person must be under age 19, a custodial parent, or the spouse of a custodial parent. Wis. Adm. Code, §DHS 103.03(1)(f)1.

During the August 13, 2013 hearing, the MES representative, Paul Fredrickson, established with testimony and exhibits that the county agency correctly discontinued the petitioner's BC Plus benefits effective August 1, 2013, due to no longer having non-financial eligibility (a child under 19 years of age residing in petitioner's home).

Petitioner did not dispute that her daughter, [redacted], turned 19 years of age on July 27, 2013. The petitioner explained that she has medical problems which require care, and thus she needs health insurance. However, the petitioner was unable to establish any other basis for non-financial eligibility for BadgerCare Core Plan eligibility. Accordingly, based upon the above, Milwaukee Enrollment Services (MES) correctly discontinued petitioner's BadgerCare Plus eligibility effective August 1, 2013, due to no longer having non-financial eligibility (a child under 19 years of age residing in petitioner's home).

CONCLUSIONS OF LAW

Milwaukee Enrollment Services (MES) correctly discontinued petitioner's BadgerCare Plus eligibility effective August 1, 2013, due to no longer having non-financial eligibility (a child under 19 years of age residing in petitioner's home).

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 16th day of October, 2013

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\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 16, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability