



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/151244

PRELIMINARY RECITALS

Pursuant to a petition filed August 12, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the La Crosse County Department of Human Services in regard to Medical Assistance, a telephone hearing was held on September 10, 2013.

No issue remains for determination by this Administrative Law Judge (ALJ).

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Tom Miller

La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of La Crosse County.
2. Petitioner and her two minor children were covered by the BadgerCare Plus program (BCP). BCP is a Wisconsin variant of MA for low-income families with children and pregnant women.

3. On May 17, 2013, the Department issued written notice to the petitioner advising that her adult BCP would be discontinued effective June 1, 2013. The basis for discontinuance was failure to pay the BCP premium.
4. The May premium was timely paid by petitioner, and was submitted to a Milwaukee address pursuant to instruction received from the respondent's office.
5. Due to agency error, the premium payment was not credited to her account. The respondent has since corrected its accounting, and has re-opened petitioner's BCP case.

DISCUSSION

With the clarification that petitioner's BCP eligibility is ongoing, no issue remains for resolution by the ALJ at this time. On September 20, 2013, respondent submitted, via electronic mail, the following information:

I was to let you know what the agency's view on this case. The client made her May and Sept payment and the BCPA is open. She will owe for October which is due by October 10th. She did provide a copy of the notice that did say she should make the payment to Milwaukee. SO we don't have reason to believe she didn't send it there. We are not contesting that the case shouldn't be open as we have it opened.

CONCLUSIONS OF LAW

With the clarification that the petitioner's BCP eligibility is open, no issue remains for resolution by the ALJ.

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 Madison,
Wisconsin, this 1st day of November, 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 November 1, 2013.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability