



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/151348

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 13, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Wood County Human Services – Wis. Rapids in regard to Medical Assistance/BadgerCare Plus, a hearing was held on September 24, 2013, by telephone.

The issue for determination regarding BadgerCare Plus (BCP) has been resolved.

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: Irene Lehman, ES Supr.

Wood County Human Services - WI Rapids  
320 West Grand Avenue  
PO Box 8095  
Wisconsin Rapids, WI 54495-8095

**ADMINISTRATIVE LAW JUDGE:**

Nancy J. Gagnon  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Forest County.
2. The petitioner has an ongoing BadgerCare Plus (BCP) case for herself and her minor son. In July 2012, she married Tom [REDACTED], who is disabled and receives Social Security Disability payments.

3. Mr. [REDACTED] has child support, child support arrearage, and spousal support obligations. The agency initially budgeted only his net income after all of these deductions were subtracted, which was \$618.80. This left the petitioner and her child eligible for BCP without a premium. In February 2012, the case was reviewed and partially corrected. In July 2013, the case was again reviewed and all support order-related deductions were removed. This changed the household income such that a BCP premium of \$81 was to be required from the petitioner, effective September 1, 2013.
4. In anticipation of hearing, the agency again reviewed the BCP income calculation. It determined that a deduction for spousal support must continue to be subtracted. When this was done, the result was that the petitioner and her son are eligible for BCP from September 1, 2013, forward, without a premium.
5. The petitioner does not object to continuing BCP certification without a premium. That renders this matter moot at this time.

### DISCUSSION

The petitioner and her son are eligible for BCP from September 1, 2013, forward, without a premium. The petitioner does not object to continuing BCP certification without a premium. That renders this matter moot at this time.

### CONCLUSIONS OF LAW

1. The petitioner and her son are currently eligible for BCP without a premium.
2. No issue remains for resolution by the Administrative Law Judge at this time.

**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 25th day of September, 2013

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\sNancy J. Gagnon  
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 25, 2013.

Wood County Human Services - WI Rapids  
Division of Health Care Access and Accountability