



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCC/151608

PRELIMINARY RECITALS

Pursuant to a petition filed August 22, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on September 18, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether the agency correctly discontinued Petitioner's BadgerCare+ Core benefits for failing to verify information at renewal.

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: Jose Silvestre
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Milwaukee County.
2. Petitioner was a recipient of BadgerCare+ Core benefits.

3. Petitioner was notified that she had to complete a case review by August 31, 2013 to continue BadgerCare+ Core. Petitioner completed an interview and submitted a review form as of August 13, 2013.
4. In processing Petitioner's review the agency learned of employment and sent Petitioner a written request for verification of income. It was sent to Petitioner at the above address. The due date for the verification was August 23, 2013.
5. Then agency did not receive the requested verification.
6. Petitioner called the agency on August 30, 2013 to inquire as to what was needed and was verbally informed as to the verification requirement.
7. The agency never received the requested verification so discontinued Petitioner's BadgerCare+ Core effective September 1, 2013.

DISCUSSION

The policy relevant to reviews states:

43.9 Core Plan Renewals

All Core Plan members must complete a renewal by the last day of the 12-month certification period in order to stay enrolled without any lapse in coverage. In order to avoid any lapse in enrollment, a complete renewal must be submitted by the 5th of the month. If a renewal is submitted in the 13th month, the member can re-enroll as long as all requirements are met by the last day of the 13th month or 10 days after requesting verification and/or the fee payment whichever is later. When a renewal is submitted in the 13th month the member will have a gap in enrollment. The new enrollment date will be the next 1st or 15th of the month after all eligibility requirements are met and eligibility has been confirmed.

A complete renewal consists of:

- Providing updated information by phone, in person, or through ACCESS
- Processing fee (to be applied to the Core member's premiums if above 133% of the FPL at the time of renewal)
- Health needs assessment

If the renewal request is not received by the 5th of the renewal month there may be a delay and/or loss of coverage. If the request is received after the 5th but before the last day of the renewal month, the request is processed and all eligibility actions completed by the agency timely (within 10 calendar days), enrollment resumes on the first day of the next available enrollment period after confirmation.

BadgerCare+ Eligibility Handbook, §43.9.

Income is a mandatory item of verification. *BEH, §9.9.* Without that verification Petitioner's case was correctly closed.

I also note that Petitioner should be aware that the BadgerCare+ Core plan ends December 31, 2013. Adults with income over 100% of the Federal Poverty level are to obtain coverage through the Federally facilitated Marketplace and those under should apply for standard BadgerCare+. *See BEH, § 43.1.*

CONCLUSIONS OF LAW

That Petitioner's BadgerCare+ Core benefits were correctly discontinued for failing to verify information.

THEREFORE, it is

ORDERED

That this case 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 11th day of November, 2013

\sDavid D. Fleming
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on November 11, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability