



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/151815

PRELIMINARY RECITALS

Pursuant to a petition filed August 29, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Outagamie County Department of Human Services in regard to Medical Assistance/BadgerCare Plus (BCP), a hearing was held on September 26, 2013, at Appleton, Wisconsin.

The issue for determination has been resolved.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Sarah Sweere, Economic Support
Outagamie County Department of Human Services
401 S. Elm Street
Appleton, WI 54911-5985

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Outagamie County.
2. The petitioner's husband and 18-year old student daughters have been receiving BCP benefits. The case was due for a review in August (for eligibility from 9/1/13 forward), and a review was commenced on August 5, 2013.

3. Income verification for the daughters was requested, with the verification being received on September 11, 2013. With the addition of the daughters' income to the household, the household income (174% federal poverty level) caused the household to be liable for a premium payment for the husband's coverage.
4. The Department issued written notice to the petitioner advising that she would have to pay a \$97 BCP premium for August in order to continue BCP coverage for her husband. The premium was not paid, and the BCP case closed for premium nonpayment.
5. At hearing, the petitioner indicated that the premium would not be paid, and that the husband's BCP coverage would be allowed to lapse. The daughters remain eligible for BCP. The petitioner is disabled and is MA-certified on a different basis than BCP.

DISCUSSION

After listening to the county worker's explanation at hearing, the petitioner no longer contests the discontinuance of her husband's BCP coverage for September through December 2013.

After October 1, 2013, the petitioner's husband may wish to consider enrolling in subsidized health insurance via the "Obamacare" website at www.healthcare.gov. Insurance purchased through that website would begin January 1, 2014, if a person signs up prior to December 15, 2013. Assuming a household size of four persons, if this household's adjusted gross income is below \$94,200 per year, some amount of a subsidy will be available to offset the cost of the monthly insurance premium.

CONCLUSIONS OF LAW

The petitioner no longer contests the closure of her adult BCP coverage for September through December 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 Madison,
Wisconsin, this 27th day of September, 2013

\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 27, 2013.

Outagamie County Department of Human Services
Division of Health Care Access and Accountability