



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/151896

PRELIMINARY RECITALS

Pursuant to a petition filed September 4, 2013, under Wis. Stat., §49.45(5)(a), to review a decision by Milwaukee Enrollment Services to discontinue Medical Assistance (MA), a hearing was held on October 2, 2013, by telephone.

The issue for determination is whether petitioner's income is above the BadgerCare Plus (BC+) income limit.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Katherine May
Milwaukee Enrollment Services
1220 W. Vliet St.
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner received BC+ for herself and her daughter. In August, 2013, petitioner reported a change in her employment income.
3. Petitioner now earns \$15 per hour for a 40 hour work week. In addition she receives \$105 per month child support.

4. By notices dated August 14 and August 22, 2013, the agency informed petitioner that BC+ for her would end September 1, 2013 because income is over the limit. BC+ for her daughter remains unaffected.

DISCUSSION

Under BC+ rules the income limit for caretaker parents is 200% of the poverty level. BC+ Handbook, Appendix 16.1. That amount for a two-person household is \$2,585. Handbook, App. 50.1.

Petitioner's monthly earned income is \$2,491.20 (she is paid bi-monthly so the monthly income is determined simply by multiplying gross income on petitioner's pay stub times two). That amount plus the \$105 monthly child support adds up to \$2,596.20, above the gross income limit. Although the income is over the BC+ limit by just \$11.20, there is nothing in the BC+ rules or policy that allows an exception for cases close to the limit. I must conclude, therefore, that the agency correctly closed BC+ for petitioner based upon her income.

During the hearing I asked if petitioner was eligible for a BC+ extension. An extension occurs only if income prior to being increased was below 100% of poverty. Handbook, App. 18.1.1. That amount is \$1,292.50. Handbook, App. 50.1. Petitioner's income prior to the increase was \$1,531.08, above the 100% number. She thus was not eligible for an extension.

CONCLUSIONS OF LAW

Petitioner's income is above the BC+ limit for caretaker parents.

THEREFORE, it is ORDERED

That 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 7th day of October, 2013

\sBrian C. Schneider
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 7, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability