



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/151906

PRELIMINARY RECITALS

Pursuant to a petition filed September 06, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by Milwaukee Enrollment Services (MES) in regard to Medical Assistance, a telephonic hearing was held on October 09, 2013, at Milwaukee, Wisconsin. The record was held open for one week for the submission of a closing argument by MES. On October 11, 2013, the county agency representative, Pang Thao-Xiong submitted a detailed, thorough closing statement (with attachments) confirming that after reviewing the new evidence petitioner was eligible for BadgerCare Plus benefits as of October 1, 2013.

The issue for determination is whether there is any remaining issue in dispute regarding whether the petitioner is eligible for continued BadgerCare Plus benefits as of October 1, 2013.

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, Room 651
Madison, Wisconsin 53703

By: Pang Thao-Xiong, income maintenance advanced worker
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County who resides with her minor daughter.

2. The petitioner received BadgerCare (BC) Plus benefits for a household of two.
3. Milwaukee Enrollment Services (MES) sent an August 28, 2013 Notice of Decision to the petitioner stating that her BadgerCare (BC) Plus benefits would discontinue effective October 1, 2013 due to income above the 133% or the 9.5% income eligibility limits. See Exhibit 1.
4. During and after the October 9, 2013 hearing, Milwaukee Enrollment Services representative, Pang Thao-Xiong, stipulated that: a) the petitioner's employment at Modern Maintenance Buildings ended during May, 2013 and her last payment was June 5, 2013; b) the petitioner's only earned income is \$1,680 per month from her new employer, Aurora St. Luke's Medical center; c) the petitioner's last child support payment was during August, 2013; and d) based upon those corrections of petitioner's income, the petitioner is eligible for BadgerCare Plus benefits retroactive to October 1, 2013.

CONCLUSIONS OF LAW

There is no longer any remaining issue in dispute regarding the petitioner's continued BadgerCare Plus benefits because Milwaukee Enrollment Services stipulated that based upon corrections of petitioner's income, the petitioner is eligible for BadgerCare Plus benefits retroactive to October 1, 2013 as explained in Finding of Fact #4 above.

THEREFORE, it is

ORDERED

The matter is remanded to Milwaukee Enrollment Services with instructions to certify the petitioner as eligible for BadgerCare Plus benefits retroactive to October 1, 2013, within 10 day of the date of this Decision.

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, Room 651, 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 2nd day of December, 2013

\sGary M. Wolkstein
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 December 2, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability