



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/152903

PRELIMINARY RECITALS

Pursuant to a petition filed October 16, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Portage County Department of Human Services ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on December 10, 2013.

The issue for determination is whether it was correct to discontinue petitioner's MA BadgerCare Plus ["BC+"] effective November 1, 2013.

There appeared at that time via telephone 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: Kari Faivre, ESS

Portage County Department of Human Services
817 Whiting Avenue
Stevens Point, WI 54481-5292

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Portage County.
2. Petitioner is employed at [REDACTED] [REDACTED] and has access to health insurance through her employer; her cost for the employee-only health insurance offered by her employer plan does not

exceed 9.5% of her monthly household income (petitioner's household income is in excess of \$2,800 per month).

3. The County discontinued petitioner's BC+ effective November 1, 2013 because petitioner has access to health insurance through her employer.

DISCUSSION

With certain exceptions not applicable here, an individual with current access to employer sponsored health insurance is not eligible for BC+. An individual has current access to employer sponsored insurance if:

- the individual could enroll in and be covered under the plan in the month for which eligibility is being determined, **and**
- the cost of coverage for the employee-only plan does not exceed 9.5% of the monthly household income.

There are no good cause reasons for not enrolling in a health insurance plan when an individual has current access.

Badger Care + Eligibility Handbook ["BC+EH"] 7.1.1 & 7.3.3.; See also, Wis. Stat. §§ 49.471(1)(h), (8)(a) & (8)(d)1.(2011-12).

Thus, based on the above law and policy, it was correct to discontinue petitioner's BC+ effective November 1, 2013. There is no evidence in the record of this matter that petitioner could not have enrolled in and been covered under her employer's plan for November 2013. Further, petitioner's cost for the employee-only health insurance offered by her employer plan does not exceed 9.5% of her monthly household income.

Petitioner testified that she cannot afford the health insurance offered by her employer and that out-of-pocket cost such as deductibles are not taken into account. However, as noted above, there are no good cause reasons for not enrolling in a health insurance plan when an individual has current access.

CONCLUSIONS OF LAW

For the reasons explained above, it was correct to discontinue petitioner's BC+ effective November 1, 2013.

NOW, 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, 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 12th day of December, 2013

\sSean P. Maloney
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 December 12, 2013.

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