



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/153218

PRELIMINARY RECITALS

Pursuant to a petition filed November 01, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services ["MiLES"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on December 03, 2013.

The issue for determination is whether it was proper to close petitioner's BadgerCare Plus Medical Assistance ["BC+"] effective November 1, 2013 and place her in a Restrictive Re-enrollment Period ["RRP"].

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Pang Thao-Xiong, Income Maintenance Specialist II
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Milwaukee County.
2. Petitioner was receiving BC+; petitioner did not pay her BC+ premium by the required deadline.

3. Petitioner's BC+ closed effective November 1, 2013 for failure to pay her BC+ premium and she was placed in an RRP.

### DISCUSSION

A BC+MA group that fails to make a premium payment is not eligible for BC+ for a period of at least 6 consecutive calendar months following the date the BC+ eligibility ends unless certain circumstances apply. This is known as a *Restrictive Re-enrollment Period* ["RRP"]. Wis. Stat. § 49.471(10)(b)5. (2011-12); Wis. Admin. Code § DHS 103.085(3)(a) (December 2008); *BadgerCare + Eligibility Handbook* ["BC+EH"] 19.11. The RRP does not apply if there was a good cause reason for not paying the premium. However, insufficient funds is not a good cause reason. Wis. Admin. Code § DHS 103.085(3)(b) (December 2008); BC+EH 19.8.2 & 19.8.3

Petitioner admits that she did not pay her BC+ premium by the required deadline. There is no evidence in the record of this matter that she had a good cause reason for not paying her premium. Petitioner testified: "There is nothing I can explain. There is no excuse."

### CONCLUSIONS OF LAW

For the reasons discussed above, it was proper to close petitioner's BC+ effective November 1, 2013 and place her in an RRP.

**NOW, THEREFORE, it is**

### ORDERED

That the petitioner 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 5th day of December, 2013

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\sSean P. Maloney  
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 5, 2013.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability