



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/153246

PRELIMINARY RECITALS

Pursuant to a petition filed October 31, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Dane County Department of Human Services in regard to Medical Assistance, a hearing was held on December 16, 2013, at Madison, Wisconsin.

The issue for determination is denying petitioner BC+ eligibility for the month of September 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: Lisa Ingrilli

Dane County Department of Human Services
1819 Aberg Avenue
Suite D
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. Petitioner applied for BC+ on 9/23/13. Petitioner had a medical procedure in September. As a result, she also had a reduction in income. Petitioner's September income was \$2,480 while her October income was only \$280.

3. Petitioner's daughter, who lives with petitioner, received social security income in September 2013 of \$625. The daughter was incorrectly enrolled on her father's BC+ case for the month of September despite the fact that the child lived with petitioner.
4. The agency enrolled petitioner in BC+ effective October 2013.
5. She was denied eligibility for the month of September but was enrolled in October.
6. Petitioner filed this appeal.

DISCUSSION

Petitioner's argument is that the daughter was enrolled on her father's case for the month of October and her \$625 social security income was counted on that enrollment so should not also be counted as part of her household's income when determining petitioner's eligibility. Such a rationale simply does not make sense. The 17-year old daughter lives with petitioner. It is income for the household, even petitioner conceded this. It may be that the September eligibility for the child's father was in error, but that does not mean that the SS income should not be correctly counted. It only means that the agency may seek recoupment from the father. But it does not mean that petitioner is eligible as her household income exceeded the \$2,585 income limit for BC+ eligibility.

CONCLUSIONS OF LAW

The agency did not err in finding petitioner ineligible for BC+ as her household income exceeded the \$2,585 income limit which is 200% of the federal poverty level.

THEREFORE, it is

ORDERED

That this appeal 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, 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 16th day of January, 2014

\sJohn P. Tedesco
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on January 16, 2014.

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