



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/153675

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**PRELIMINARY RECITALS**

Pursuant to a petition filed November 21, 2013, under Wis. Stat., §49.45(5)(a), to review a decision by the Rock County Dept. of Social Services to discontinue Medical Assistance (MA), a hearing was held on January 23, 2014, by telephone.

The issue for determination is whether petitioner meets any MA eligibility criterion at this time.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: Charmaine Sheppard  
Rock County Dept. of Social Services  
P.O. Box 1649  
Janesville, WI 53546

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County.
2. Petitioner received BadgerCare Plus (BC+) MA as the parent of a minor child. Petitioner's daughter turned age 19 in the fall, 2013.
3. By a notice dated November 4, 2013, the county informed petitioner that BC+ would end December 1, 2013 because she no longer cared for a minor child. Benefits were continued pending this appeal.

4. Petitioner applied for social security disability in 2013 but was denied with a finding of not disabled.

### **DISCUSSION**

To be eligible for MA, an adult female under age 65 must be disabled, blind, pregnant, or the caretaker of a minor child. Wis. Stat., §§49.46(1) and 49.47(4). To qualify as disabled, a person must meet the definition of that term as it is used for social security and SSI purposes. Wis. Stat., §49.47(4)(a)4.

Under BC+ rules a child is considered “minor” until she turns 19 years of age. BC+ Handbook, Appendix 2.1.

In this case petitioner is ineligible for BC+ because she no longer cares for a minor child. She testified that she believes she is disabled but she has been denied disability for social security purposes. Because the standards are the same, a finding of no disability for social security/SSI purposes made within 12 months of the MA application is binding on a State Medicaid (MA) agency. See 42 C.F.R. §435.541(a).

I thus have no choice but to conclude that the county action was correct. Petitioner should reapply for MA in March, 2013 because effective April 1, 2013 childless adults with yearly income less than \$11,700 will be eligible for MA in Wisconsin.

### **CONCLUSIONS OF LAW**

Petitioner is not currently eligible for MA because she is neither disabled nor the caretaker of a minor child.

**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 11th day of February, 2014

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\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 February 11, 2014.

Rock County Department of Social Services  
Division of Health Care Access and Accountability