



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/154608

PRELIMINARY RECITALS

Pursuant to a petition filed January 4, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Winnebago County Department of Human Services in regard to Medical Assistance (MA)/BadgerCare Plus (BCP), a hearing was held on February 13, 2014, by telephone.

The issue for determination is whether the Department correctly denied the petitioner's Family Planning-Only Services application from November 2012, due to lack of verification.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: No appearance

Winnebago County Department of Human Services
220 Washington Ave.
PO Box 2187
Oshkosh, WI 54903-2187

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]), age 26, is a resident of Winnebago County.
2. The Family Planning Only Services (FPOS) benefit is a subset of the MA program, and provides limited benefits for family planning services for women and men with income at or below 300%

of the FPL (or 306% FPL after 4/1/2014) and who are of child-bearing age and not enrolled in MA or BCP. The petitioner filed a FPOS application online on November 6, 2013, as a household of one person.

3. On November 11, 2013, the Department issued a written verification request to the petitioner at her correct address, stating that she must provide documentation to verify her income for FPOS purposes by November 21, 2013. The agency did not receive that documentation at any time from November 6 through December 9, 2013.
4. The Department issued a notice to the petitioner on December 10, 2013, advising that her FPOS application had been denied. The stated reason for denial was that the petitioner had not provided the requested verification. The petitioner appealed.

### **DISCUSSION**

The FPOS benefit is a subset of the MA program, and provides limited benefits for family planning services for women and men with income at or below 300% of the FPL (or 306% FPL after 4/1/2014) and who are of child-bearing age and not enrolled in MA or BCP. *BadgerCare Plus Eligibility Handbook (BCPEH)*, at § 40.1, online at <http://www.emhandbooks.wisconsin.gov/bcplus/bcplus.htm>, and the Wisconsin Medicaid State Plan. See also, 42 U.S.C. § 1936d (Section 1905(a)(4)(C) of the Social Security Act).

Like all BCP program subsets, the petitioner's earned income must be verified within 30 days of application. *BCPEH*, §§ 9.2, 9.9. If verification is not received, the Department is to deny the application. *BCPEH*, § 9.11.4. The Department workers are instructed to describe contacts from applicants in a Case Comments database. A copy of the Case Comments for November and December 2013 was provided by the Department as an exhibit. The exhibit shows no receipt of any verification from the petitioner prior to the 30-day deadline. The petitioner had no proof (fax receipt, certified mail receipt, etc.) to establish that she submitted income verification by December 9, 2013. Thus, I found that the verification was not received. Denial of the application was therefore correct.

The petitioner may reapply for FPOS benefits at any time. If she desires more comprehensive health insurance coverage, she may wish to apply for subsidized "Obamacare" insurance at <https://www.healthcare.gov>. If her income is slightly above 100% of the federal poverty level (FPL), her premium subsidy under Obamacare will be large. The Obamacare sign-up for this year ends on March 31, 2014. If the petitioner's current adjusted gross income is projected to be under the 100% FPL for one person of \$11,670, the petitioner may qualify for BadgerCare Plus from April 1, 2014, forward. The petitioner may apply for BadgerCare Plus (no sign-up deadline) at any time, at <https://access.wisconsin.gov>.

### **CONCLUSIONS OF LAW**

1. The Department correctly denied the petitioner's FPOS application for failure to submit requested income verification within 30 days of the November 6, 2013 application.

**THEREFORE, it is**

**ORDERED**

That the petition is dismissed.

## REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or 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 filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 20th day of March, 2014

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\sNancy J. Gagnon  
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 March 20, 2014.

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