



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/154757

PRELIMINARY RECITALS

Pursuant to a petition filed January 09, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance/BadgerCare Plus (BCP), a hearing was held on February 12, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether the Department correctly imposed a BCP premium on the petitioner's case for February 2014.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703
By: Yia Xiong, IM spec. 2
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Milwaukee County.
2. The petitioner has an ongoing BCP case for herself and her minor child. On December 30, 2012, she reported employment with [redacted]. She testified that she also reported this employment on June 24, 2013, but that the Department did not act on the change report.

3. Upon receiving the December 30 report, the Department requested income verification. Verification was timely provided. The Department observed that the petitioner was working 80 hours biweekly for regular pay of \$12.25 hourly, and counted overtime that appeared on her December paystubs. Accordingly, the Department notified the petitioner on January 6 that she would have to pay a \$96 monthly BCP premium for adult coverage.
4. The Department reviewed her case further, and determined that it had erred in including the overtime pay, going forward. Therefore, on January 13, 2014, the Department issued another notice advising the petitioner that her BCP adult premium for February would be reduced to \$82 (due to removal of overtime from her income).
5. The petitioner no longer objects to the Department's calculation of the amount of her BCP premium for February 2014.

DISCUSSION

The petitioner complained that the agency had not promptly acted upon her prior employment report, and that it had erred in budgeting her overtime. She also disliked the large number of notices issued to her. With the correction for February that excluded the overtime, the petitioner stated at hearing that she no longer had an issue regarding the BCP adult premium.

The petitioner also appealed a reduction in her FoodShare allotment, which will be decided in a separate decision, as different rules apply.

CONCLUSIONS OF LAW

With the correction for February 2014 that excluded the overtime, the petitioner stated at hearing that she no longer had an issue regarding the BCP adult premium

THEREFORE, it is

ORDERED

That the petition 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 13th day of February, 2014

\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 February 13, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability