



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/156224

PRELIMINARY RECITALS

Pursuant to a petition filed March 18, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the La Crosse County Department of Human Services in regard to Medical Assistance, a hearing was held on April 14, 2014, at Durand, Wisconsin. The record was held open for 14 days at the petitioner's request, but she did not submit any additional information.

The issue for determination is whether the petitioner's income exceeds the BadgerCare Plus program's limit.

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: Tom Miller

La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Pepin County.
2. The petitioner lives with her husband and their three minor children.

3. The federal poverty level for a five-person household is \$2,325.83 per month. *BadgerCare Plus Handbook*, § 50.1.
4. The petitioner's husband earns \$2,373.42 per month. One of the petitioner's children receives \$515 in social security each month.

DISCUSSION

BadgerCare Plus is Wisconsin's medical assistance program for those who are not elderly or disabled. Effective April 1, 2014, the governor and legislature lowered the amount of adjusted gross income a household can have and still be eligible for benefits to 100% of the federal poverty level for adults and 300% for children. Wis. Stat. § 49.471(4)(a). Social security payments count as income in the month received. *BadgerCare Plus Handbook*, § 16.5. The county agency determined that the petitioner and her husband are ineligible for BadgerCare Plus because their household income exceeds 100% of the federal poverty level.

The federal poverty level for a five-person household, the size of the petitioner's, is \$2,325.83 per month. The agency determined that the petitioner's husband earns \$2,373.42 per month and one their children receives \$515 a month in social security. This puts their total income at \$2,888.42, or more than \$600 above the program's limit. The petitioner believes that the agency overstated her husband's income. The record was left open so she could submit more information, but she did not do so. Based upon the information in the record, I find that the county agency correctly determined that the petitioner and her husband are ineligible for BadgerCare Plus because their household income exceeds 100% of the federal poverty level.

CONCLUSIONS OF LAW

The petitioner and her husband are ineligible for BadgerCare Plus because their household income exceeds 100% of the federal poverty level.

THEREFORE, it is

ORDERED

The petitioner's appeal 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 5th day of May, 2014

\sMichael D. O'Brien
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 May 5, 2014.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability