



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/156665

PRELIMINARY RECITALS

Pursuant to a petition filed April 04, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Grant County Department of Social Services in regard to Medical Assistance, a telephonic hearing was held on May 19, 2014, at Lancaster, Wisconsin. The record was held open until May 26, 2014 for the county agency to submit confirmation of the petitioner's incarceration history for about the past year. ESS Jody Jackering timely submitted a letter to DHA confirming the petitioner's extensive incarceration history.

The issue for determination is whether the county agency correctly denied the petitioner's March 11, 2014 BadgerCare (BC) application because petitioner was incarcerated as an inmate in jail and thus was not eligible for BadgerCare benefits pursuant to the BadgerCare Plus Handbook, 3.6.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Representative:

[Redacted], father and POA
[Redacted]

Respondent:

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

By: Jody Jackering, ESS
Grant County Department of Social Services
Hwys 35 and 61 South
PO Box 447
Lancaster, WI 53813

## ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Grant County.
2. The petitioner began his incarceration as an inmate in the Grant County jail on February 3, 2014 through the time period of his March, 2014 BadgerCare application.
3. Petitioner has been incarcerated in jail since August 29, 2013 in Iowa, Dane and Grant Counties.
4. Petitioner was transferred to the Metropolitan Correctional Center in Chicago, Illinois on May 12, 2014.
5. The county agency sent a March 25, 2014 Notice of Decision to the petitioner to his address of record stating that his BadgerCare Plus application was denied because inmates of a jail or prison are not eligible for BadgerCare benefits pursuant to the BadgerCare Plus Handbook, 3.6, "inmates."

**DISCUSSION**

During the May 19, 2014 hearing and in its submission while the record was held open, the county agency representative presented a convincing, well-documented case to establish that petitioner has been incarcerated as an inmate since before his March 11, 2014 BadgerCare application and he continued to be incarcerated at least as of May 20, 2014. Inmates of a jail or prison are not eligible for BadgerCare benefits pursuant to the BadgerCare Plus Handbook, 3.6, "inmates." Due to his incarceration, the county agency sent a March 25, 2014 Notice of Decision to the petitioner to his address of record stating that his BadgerCare Plus application was denied because inmates of a jail or prison are not eligible for BadgerCare benefits.

During the hearing, the petitioner's representative, [REDACTED], was argumentative but was unable to present any reliable testimony or evidence to refute the county agency's case. In fact, petitioner's representative stated that he had no knowledge of when his son was or was not incarcerated during the relevant period in question. Accordingly, based upon the above, I conclude that the county agency correctly denied the petitioner's March 11, 2014 BadgerCare (BC) application because petitioner was incarcerated as an inmate in jail and thus was not eligible for BadgerCare benefits pursuant to the BadgerCare Plus Handbook, 3.6

**CONCLUSIONS OF LAW**

The county agency correctly denied the petitioner's March 11, 2014 BadgerCare (BC) application because petitioner was incarcerated as an inmate in jail, and thus was not eligible for BadgerCare benefits pursuant to the BadgerCare Plus Handbook, 3.6, "inmates."

**THEREFORE, it is****ORDERED**

The petition for review herein be and the same is hereby 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 23rd day of June, 2014

---

\sGary M. Wolkstein  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

Brian Hayes, Administrator  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on June 23, 2014.

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