



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/156961

PRELIMINARY RECITALS

Pursuant to a petition filed April 16, 2014, 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 May 22, 2014, by telephone.

The issue for determination is whether petitioner's household income is over the MA limit.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Pam Edmonds
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 applied for MA in November, 2013 seeking coverage with the start of the new BadgerCare Plus (BC+) program for childless adults. After the program was delayed until April, 2014, the application was processed in March, 2014. Program policy allowed the applicant one month of BC+ eligibility for April, 2014, and income limits were not imposed until May, 2014.
3. Petitioner lives with her husband. The only household income is her husband's social security of \$1,855.90 per month.

4. By a notice dated April 2, 2014, the county informed petitioner that BC+ would end effective May 1, 2014 because income was over the limit.

DISCUSSION

Prior to April 1, 2014, the state had an MA program for childless adults called the BC+ Core program with an income limit of 200% of the Federal Poverty Limit (FPL). The program was limited to only a small number of potentially eligible participants due to enrollment limits. State law changed effective April 1, 2014. As of that date all childless adults are eligible for BC+ but with the income limit reduced to 100% of the FPL, which, for a two-person household, is \$1,310.83. See Wis. Stat., §49.471(4)(a)4.b for the new law, and the MA Handbook, Appendix 50.1 for the limit. Petitioner's monthly household income is \$1,855.90. Thus petitioner is ineligible for BC+ except for the one processing month, and she would have to go to the new health care market place for insurance.

Petitioner testified that she has medical conditions that need treatment but are not bad enough to disable her (she has applied for disability but has not been found disabled yet). She feels that the market place would be too expensive. The problem is that the Division of Hearings and Appeals has absolutely no authority to order continued BC+ for a person due to hardship. The limit is 100% of poverty, and if income is above the limit the person is ineligible for BC+. There is nothing in the statute or policy that would give me authority to continue petitioner's eligibility.

CONCLUSIONS OF LAW

The agency correctly closed petitioner's BC+ because her income was over the limit beginning with the change in state law April 1, 2014.

THEREFORE, it is

ORDERED

That 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

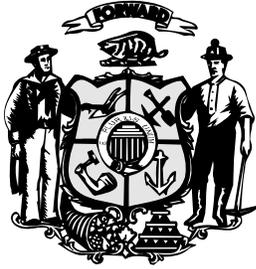
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those 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 27th day of May, 2014

\sBrian C. Schneider
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
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on May 27, 2014.

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