



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/157278

PRELIMINARY RECITALS

Pursuant to a petition filed April 30, 2014, under Wis. Stat., §49.45(5)(a), to review a decision by Milwaukee Enrollment Services to discontinue Medical Assistance (MA), a hearing was held on July 2, 2014, by telephone. Hearings set for May 20 and June 12, 2014 were rescheduled at the petitioner's request.

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

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Jose Silvestre, Jr.
Milwaukee Enrollment Services
1220 W. Vliet Street
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Milwaukee County.
2. Petitioner received BadgerCare Plus (BC+) MA through April, 2014. She had a review due by the end of April. After verification was complete, the agency notified petitioner that BC+ for the adults would be denied for May because income was over the new 100% of federal poverty level (FPL) limit that began April 1, 2014. BC+ for the children was unaffected.
3. Petitioner filed this appeal and benefits were continued pending this decision.

DISCUSSION

Prior to April 1, 2014, the income limit for BC+ was 200% of the FPL. State law changed effective April 1, 2014. As of that date the limit for caretaker parents was reduced to 100% of the FPL, which, for a five-person household, is \$2,325.83. 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 counted monthly income totaled \$2,706 (essentially petitioner's earned income; I note that initially the agency was off by \$100 because it overestimated income from NCS Pearson, and the total here is the correct amount). Thus petitioner lost BC+ eligibility for herself and her husband and has to go to the new health care market place for insurance.

Petitioner stated that she filed the appeal because she was notified on the last day of April and had no opportunity to plan ahead. She does not contest the income calculations. Mr. Silvestre noted that the market place will backdate to the first of the month of application, so if petitioner applies in July she should be covered for the whole month.

CONCLUSIONS OF LAW

The agency correctly determined that petitioner's income was over the new BC+ limit, and that petitioner and her husband no longer are eligible for BC+.

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 3rd day of July, 2014

\sBrian C. Schneider
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 July 3, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability