



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/157950

PRELIMINARY RECITALS

Pursuant to a petition filed May 27, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Sauk County Department of Human Services in regard to Medical Assistance, a telephone hearing was held on October 06, 2014. Hearings previously scheduled for July 10, 2014, August 12, 2014, and September 3, 2014, were rescheduled at petitioner's request.

The issue for determination is whether the county agency correctly seeks to end the petitioner's BadgerCare benefits because her household's income exceeds program income limits.

There appeared at that time 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: Julie Arendsee

Sauk County Department of Human Services
505 Broadway, 4th Floor
PO Box 29
Baraboo, WI 53913

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Sauk County.

2. The county agency notified the petitioner that her BadgerCare Plus Core Plan benefits would end on July 1, 2014, because her income exceeds the program's income limit.
3. The petitioner's counted monthly income, as calculated by the respondent for BadgerCare Plus purposes, was \$1,250.74. The BadgerCare Plus counted income limit is \$972.50.

DISCUSSION

The petitioner had been receiving BadgerCare Plus Standard Plan benefits, which provided medical assistance to adults. The income limit is 100% of the federal poverty level. *BadgerCare Plus Handbook*, § 16.1. The federal poverty level for a single-person household is \$972.50. *BadgerCare Plus Handbook*, § 50.1. Those with income exceeding this amount are expected to seek benefits under the federal Affordable Care Act. 1.

The petitioner does not dispute the respondent's calculations. Instead, she testified that obtaining insurance through her employer is not an option, since that costs approximately \$300.00. She further contends that she cannot afford the Affordable Care Act's premiums. Although I understand this, I have no authority to ignore Wisconsin medical assistance law. That law clearly makes her ineligible under the state's recently updated BadgerCare Plus eligibility rules. Therefore, I must uphold the agency's decision.

CONCLUSIONS OF LAW

The petitioner is ineligible for BadgerCare Plus because her household income exceeds the program's income limit

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 10th day of November, 2014.

\sPeter McCombs
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 November 10, 2014.

Sauk County Department of Human Services
Division of Health Care Access and Accountability