



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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/157963

PRELIMINARY RECITALS

Pursuant to a petition filed May 21, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Brown County Human Services in regard to Medical Assistance, a hearing was held on June 18, 2014, at Green Bay, Wisconsin.

No issue remains for determination; the county agency has not taken a negative action against the petitioner’s Medical Assistance; she has continuously been eligible since May 31, 2014.

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: Ashley Scofield, IM Worker
Brown County Human Services
Economic Support-2nd Floor
111 N. Jefferson St.
Green Bay, WI 54301

ADMINISTRATIVE LAW JUDGE:

Kenneth D. Duren, Assistant Administrator
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Brown County. She was continuously covered by BadgerCare Plus as a caretaker of her minor child from June, 2012, through April 30, 2014, at which time her child was removed from her care and her BC Plus coverage ended.

2. The petitioner was, rather, continuously eligible for Medical Assistance as a childless adult under the so-called "MAGS" subset of MA-BadgerCare from May 1 – June 30, 2014.
3. Subsequently, the petitioner's minor child returned to her care, and the petitioner was once again certified as eligible for MA-BadgerCare Plus as the caretaker of a minor child, effective July 1, 2014, and since then she has been continuously eligible.
4. The petitioner filed an appeal in DHA Case No. BCS/157963 with the Division on May 21, 2014, contesting a discontinuance of Medical Assistance on or about May 31, 2014.

DISCUSSION

The agency has not taken a negative action against the petitioner. Rather, she has been continuously eligible for MA of one form or another without premium since May 31, 2014, and indeed, since June 1, 2012. I have reviewed the agency records and they demonstrate constant ongoing certification for her. See, Exhibit #7, pp. 6-7. Lacking any negative action taken against the petitioner's MA coverage, jurisdiction is not present to review the matter. The petitioner is whole under the MA program, without interruption. See, Wis. Stat. §49.45(5).

CONCLUSIONS OF LAW

Jurisdiction is not present to review the instant appeal; the agency has not taken a negative action against the petitioner's MA at any time since June 1, 2012.

THEREFORE, it is

ORDERED

That the petition for review herein be, and the same hereby 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 24th day of June, 2014

\sKenneth D. Duren, Assistant Administrator
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 June 24, 2014.

Brown County Human Services
Division of Health Care Access and Accountability