



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/158016

PRELIMINARY RECITALS

Pursuant to a petition filed May 28, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a telephonic hearing was held on July 16, 2014, at Milwaukee, Wisconsin. At the request of petitioner, a hearing set for June 25, 2014 was rescheduled.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Simone Johnson, IM advanced
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Milwaukee County who received BadgerCare (BC) Plus benefits for her household.
2. Milwaukee Enrollment Services (MES) sent an April 3, 2014 Notice of Decision the petitioner stating that her BadgerCare (BC) Plus benefits were discontinued effective May 1, 2014, due to household income above the BC income eligibility limit.
3. The petitioner provided pay stubs to MES to re-calculate her income eligibility for continued BC benefits.

4. During the July 16, 2014 hearing, MES representative, Simone Johnson, indicated that based upon the new income evidence provided by petitioner, MES stipulated that the petitioner's household of three (petitioner and her two children) was eligible for BadgerCare Plus benefits retroactive to May 1, 2014.

CONCLUSIONS OF LAW

Milwaukee Enrollment Services (MES) stipulated that petitioner's household of three (petitioner and her two children) was entitled to BadgerCare Plus benefits retroactive to May 1, 2014.

THEREFORE, it is ORDERED

The matter is remanded to Milwaukee Enrollment Services Center with instructions to certify the petitioner's household of three (petitioner and her two children) as eligible for BadgerCare Plus benefits, within 10 days of the date of this Decision.

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 8th day of September, 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
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on September 8, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability