



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/158118

PRELIMINARY RECITALS

Pursuant to a petition filed June 2, 2014, under Wis. Stat., §49.45(5)(a), to review a decision by Milwaukee Enrollment Services in regard to Medical Assistance (MA), a hearing was held on July 2, 2014, by telephone.

The issue for determination is whether petitioner can receive MA retroactively for November, 2013.

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 # [redacted]) is a resident of Milwaukee County.
2. Petitioner received BadgerCare Plus (BC+) MA on her mother's case until October 1, 2013. Petitioner turned age 19 in July, and by a notice dated September 11, 2013, the agency informed petitioner's mother that petitioner's BC+ would end October 1, 2013.
3. Petitioner was hospitalized in November, 2013.

4. Petitioner applied for MA for herself as a single adult in 2014. She was determined to be eligible effective April 1, 2014, when the state's new law granting MA to childless adults with income under 100% of the federal poverty level (FPL) went into effect.

DISCUSSION

Until April 1, 2014, to be eligible for MA, an adult female under age 65 had to be disabled, blind, pregnant or the caretaker of a minor child. Wis. Stat., §§49.46(1) and 49.47(4). 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. See Wis. Stat., §49.471(4)(a)4.b for the new law.

Petitioner testified that when she applied for MA the information stated that back bills could be covered. It is true that MA can be backdated for three months prior to the month of application, but the person has to be eligible for MA during the backdate months. See Wis. Stat., §§49.46(1)(b) and 49.47(4)(d). The problem is that petitioner was not eligible for MA in November, 2013. She was an adult, not disabled, and not a caretaker of a minor child. There is no mechanism for the Division of Hearings and Appeals to grant MA coverage to petitioner during that month.

CONCLUSIONS OF LAW

Petitioner was ineligible for MA in November, 2013, and there is no mechanism to make her eligible even though she was hospitalized that month.

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 7th 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 7, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability