



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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/158156

PRELIMINARY RECITALS

Pursuant to a petition filed June 7, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by Brown County Human Services to deny Medical Assistance (MA), a hearing was held on July 9, 2014, by telephone.

The issue for determination is whether the county correctly determined that petitioner was over the BadgerCare Plus (BC+) MA limit.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

;

Respondent:

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

By: Sarah Burden
Brown County Human Services
111 N. Jefferson St.
Green Bay, WI 54301

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a 26-year-old resident of Brown County.
2. Petitioner applied for MA on May 27, 2014. After reporting her income, the county determined, by a notice dated May 28, that petitioner's income was over the limit.
3. Petitioner has a kidney disease, but has not been determined to be disabled.

DISCUSSION

Prior to April 1, 2014, the state had an MA program for childless adults called the BC+ Core program with an income limit of 200% of the Federal Poverty Limit (FPL). The program was limited to only a small number of potentially eligible participants due to enrollment limits. State law changed effective April 1, 2014. As of that date all childless adults are eligible for BC+ but with the gross income limit reduced to 100% of the FPL, which, for a one-person household, is \$972.50. 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 monthly household income is \$1,008. Thus petitioner is ineligible for BC+, and she would have to go to the new health care market place for insurance.

Petitioner testified that she has a medical condition that needs constant monitoring, but at this point it would not be considered disabling. She has not looked into the new health care market place. The problem is that the Division of Hearings and Appeals has absolutely no authority to order BC+ for a person due to hardship. The limit is 100% of poverty, and if income is above the limit the person is ineligible for BC+.

CONCLUSIONS OF LAW

The county correctly determined that petitioner's income is above the BC+ income limit.

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 11th 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 11, 2014.

Brown County Human Services
Division of Health Care Access and Accountability