



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/158198

PRELIMINARY RECITALS

Pursuant to a petition filed June 05, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Pierce County Department of Human Services in regard to Medical Assistance, a hearing was held on July 18, 2014, at Ellsworth, Wisconsin.

The issue for determination is whether the county agency correctly determined that the petitioner is ineligible for BadgerCare Plus benefits because her income exceeds 100% of the federal poverty level.

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: Rebecca Mueller

Pierce County Department of Human Services
412 West Kinne Street
PO Box 670
Ellsworth, WI 54011

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # ) is a resident of Pierce County. She lives alone.
2. The county agency denied the petitioner's application for BadgerCare Plus on May 12, 2014, after determining that her income exceeded 100% of the federal poverty level.

3. The petitioner's countable income based upon her 2013 federal income tax return is 132% of the federal poverty level.
4. The petitioner did not provide any evidence of her income other than her federal income tax return to the county agency.

DISCUSSION

BadgerCare Plus is Wisconsin's medical assistance program for those who are not elderly or disabled. The income limit is 100% of the federal poverty level for adults and 300% for children. Wis. Stat. § 49.471(4)(a). The county agency denied the petitioner's application because her income, based upon her 2013 federal income tax return, is 132% of the poverty level. She does not dispute that the agency correctly determined her 2013 income, but she contends that her income has since fallen because she no longer is self-employed. The problem is that agency's must rely upon the information they have. The petitioner provided the county agency with only her 2013 federal income tax return and did not report that her income had changed. Because the agency correctly determined her eligibility based upon the information it had, I must find that it correctly denied her benefits. However, as was pointed out at the hearing, she can reapply for benefits, which she indicated she intended to do. Because she has no unpaid medical bills, reapplying will not affect what benefits she ultimately receives.

CONCLUSIONS OF LAW

The county agency correctly determined that the petitioner's income exceeds the BadgerCare Plus 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 31st day of July, 2014

\sMichael D. O'Brien
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 31, 2014.

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