

4. By a notice dated July 10, 2014, the agency informed petitioner that BC+ for her would end August 1 because income was over the limit. Her daughter's eligibility was unaffected. Benefits were continued pending this decision.
5. Petitioner has not been found disabled for MA purposes.

DISCUSSION

Prior to April 1, 2014, the income limit for BC+ was 200% of the FPL. State law changed effective April 1, 2014. As of that date the limit for caretaker parents was reduced to 100% of the FPL, which, for a two-person household, is \$1,310.83. See Wis. Stat., §49.471(4)(a)4.b for the new law, and the BC+ Handbook, Appendix 50.1 for the limit. Changes are implemented at the household's first review after the April 1 change. Petitioner's counted monthly income totaled \$1,855.20. Thus petitioner lost BC+ eligibility and has to go to the new health care market place for insurance.

Petitioner testified that she has medical conditions that need regular treatment. She has applied for disability but no determination has been made yet. She tried the market place but it was too expensive. The problem is that the Division of Hearings and Appeals has absolutely no authority to order continued 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+. There is nothing in the statute or policy that would give me authority to continue petitioner's eligibility.

If petitioner's income decreases as she testified it might, then she can request a review of BC+ eligibility.

CONCLUSIONS OF LAW

The agency correctly closed petitioner's BC+ because her income was over the limit beginning with the change in state law April 1, 2014.

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 8th day of September, 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 September 8, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability