



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
[Redacted]
[Redacted]

DECISION

BCS/159431

PRELIMINARY RECITALS

Pursuant to a petition filed July 30, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Bayfield County Human Services in regard to Medical Assistance, a hearing was held on August 21, 2014, at Washburn, Wisconsin.

The issue for determination is

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
[Redacted]
[Redacted]

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Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703
By: Beulah Garcia
Bayfield County Human Services
117 East 5Th St
PO Box 100
Washburn, WI 54891-0100

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [Redacted]) is a resident of Bayfield County. He lives alone.
2. The petitioner applied for BadgerCare Plus on June 28, 2014, and was found eligible retroactive to April 1, 2014.

3. The petitioner had no income in April 2014. As of May 2014, he began receiving \$1,480 per month in unemployment compensation.

DISCUSSION

BadgerCare Plus is Wisconsin's medical assistance program for those who are not elderly or disabled. Effective April 1, 2014, the program allowed persons without minor children to receive benefits but lowered the amount of adjusted gross income a household can have and still be eligible for benefits to 100% of the federal poverty level for adults and 300% for children. Wis. Stat. § 49.471(4)(a). For a one-person household, 100% of the federal poverty level is \$972.50 per month. *BadgerCare Plus Handbook*, § 50.1.

The petitioner applied for benefits on June 28, 2014, requesting benefits retroactive to March 1, 2014. He could not receive benefits before April 1, 2014, because he lives alone and the changes allowing those without children to participate had not gone into effect yet. The agency found him eligible for April because he had no income that month. In May he began receiving \$1,480 in unemployment compensation. Because this was over 100% of the federal poverty level, his benefits ended as of May 1, 2014.

The petitioner understands that he was only eligible for medical assistance in April but points out that he cannot afford his premium under the Affordable Care Act. I explained that I had no authority to oversee how that program is run, which he acknowledged. Nevertheless, the worker at the hearing and I both told him that his premium seemed high and wondered why he did not receive a subsidy. We suggested that he make an appointment with his county's economic support unit. He agreed to do this.

CONCLUSIONS OF LAW

The county agency correctly ended the petitioner's BadgerCare Plus benefits as of May 1, 2014, because his income exceeded 100% of the federal poverty level.

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

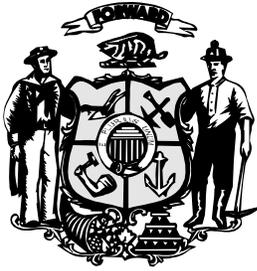
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of

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 11th day of September, 2014

\sMichael D. O'Brien
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 11, 2014.

Bayfield County Human Services
Division of Health Care Access and Accountability