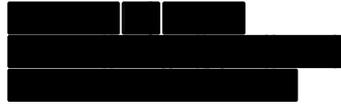




STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/159971

PRELIMINARY RECITALS

Pursuant to a petition filed August 15, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Washburn County Department of Social Services in regard to Medical Assistance, a hearing was held on September 24, 2014, at Shell Lake, Wisconsin.

The issue for determination is whether the petitioner's income exceeds the BadgerCare Plus limit.

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: Rosanne Livingston
Washburn County Department of Social Services
110 W 4th Avenue
PO Box 250
Shell Lake, WI 54871

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. The petitioner (CARES # [redacted]) is a resident of Washburn County.
2. The petitioner receives \$341 per week in unemployment benefits.
3. One hundred percent of the federal poverty level is \$972.50 per month. BadgerCare Plus Handbook, § 50.1.

**DISCUSSION**

BadgerCare Plus is Wisconsin's medical assistance program for those who are not elderly or disabled. Effective April 1, 2014, those without minor children can receive benefits, but the amount of adjusted gross income a household can have and still be eligible for benefits fell to 100% of the federal poverty level for adults and 300% for children. Wis. Stat. § 49.471(4)(a). The county agency seeks to end the petitioner's eligibility because her household income exceeds 100% of the federal poverty level. For a one-person household, the size of the petitioner's, 100% of the federal poverty level is \$972.50 per month. *BadgerCare Plus Handbook*, § 50.1. The petitioner receives \$1,364 per month in unemployment benefits. Because this exceeds 100% of the federal poverty level, the agency correctly determined that she is ineligible for BadgerCare Plus. She requests an exemption from the income limit because she has a number of debts, but I have no authority to grant this request.

**CONCLUSIONS OF LAW**

The petitioner is ineligible for BadgerCare Plus because her income exceeds 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 25th day of September, 2014

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\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 September 25, 2014.

Washburn County Department of Social Services  
Division of Health Care Access and Accountability