



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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/160100

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 21, 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 October 23, 2014, at Shell Lake, Wisconsin.

The issue for determination is whether the petitioner can receive BadgerCare Plus if she is covered by a health insurance policy in which an employer pays at least 80% of the premium.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

]

Respondent:

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

By:

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 county agency ended BadgerCare Plus benefits for the petitioner and her three children as of September 1, 2014, because her employer pays 80% of the \$2,056 monthly cost of their family health insurance policy. (She pays \$412 per month.)
3. The petitioner's household income exceeds 133% of the federal poverty level.

### DISCUSSION

BadgerCare Plus is Wisconsin's Medicaid program for those who are not elderly, blind, or disabled. Wis. Stat. § 49.471. Persons whose household income exceeds 133% of the federal poverty level and whose employer pays at least 80% of the premium are ineligible for the program. Wis. Stat. § 49.471(8)(cg); *BadgerCare Plus Handbook*, § 7.1. The petitioner concedes that her household income exceeds 133% of the federal poverty level and that her employer pays 80% of her health insurance premium. But she contends that she that this insurance is inadequate because it does not cover vision or dental care and she must pay a deductible and for some her prescriptions. Although I understand her complaint, the rules do not allow an exemption because the insurance does not cover these items or requires copays. Therefore, I must uphold the agency's decision.

### CONCLUSIONS OF LAW

The petitioner is ineligible for BadgerCare Plus because her employer offers health insurance and pays 80% of the premium.

**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**

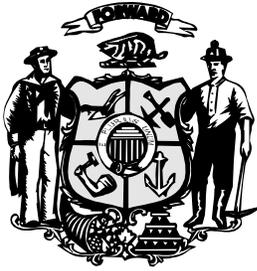
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those 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 4th day of December, 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 December 4, 2014.

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