



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/160431

PRELIMINARY RECITALS

Pursuant to a petition filed September 4, 2014, under Wis. Stat., §49.45(5)(a), to review a decision by Milwaukee Enrollment Services to deny Medical Assistance (MA), a hearing was held on October 1, 2014, by telephone.

The issue for determination is whether petitioner has income over the BadgerCare Plus (BC+) MA limit.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

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

By: Katherine May
Milwaukee Enrollment Services
1220 W. Vliet St.
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner received BC+ MA as a single adult briefly from March 1 through May 31, 2014.
3. On June 16, 2014, petitioner filed a new application for BC+. The agency initially determined that his \$1,295 monthly income was over the BC+ limit for one person. By a notice dated June 20, 2014, the agency informed petitioner that BC+ was denied.

4. The agency re-determined eligibility in July. Income was determined to be \$1,433 per month. By a notice dated July 21, 2014, the agency informed petitioner that BC+ was denied for being over the income limit.

DISCUSSION

Prior to April 1, 2014, the state had an MA program for childless adults called the BC+ Core program with an income limit of 200% of the Federal Poverty Limit (FPL). The program was limited to only a small number of potentially eligible participants due to enrollment limits. State law changed effective April 1, 2014. As of that date all childless adults are eligible for BC+ but with the income limit reduced to 100% of the FPL, which, for a two-person household, is \$972.50. See Wis. Stat., §49.471(4)(a)4.b for the new law, and the MA Handbook, Appendix 50.1 for the limit.

Petitioner testified that he has medical conditions that need treatment but are not bad enough to disable him (he has not applied for disability). The problem is that the Division of Hearings and Appeals has absolutely no authority to order 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 grant eligibility. There are other MA programs with varying income limits, but to be eligible a person has to be disabled.

CONCLUSIONS OF LAW

The agency correctly denied BC+ because petitioner's income was over the limit in operation after 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 6th day of October, 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 October 6, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability