



FH
[REDACTED]

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

In the Matter of:

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/160687

PRELIMINARY RECITALS

Pursuant to a petition filed September 16, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Door County Department of Social Services ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on October 14, 2014. The Hearing for this matter was held at the same time as the Hearing for the following closely related matter concerning the same petitioner: FOO-160688

The issue for determination is whether it was correct to end petitioner's BadgerCare Plus ["BC+"] MA effective October 1, 2014.

There appeared at that time via telephone 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: Carol Wautlet, ES Supervisor
Door County Department of Social Services
Door County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235-0670

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]; 37 years old) is a resident of Door County, Wisconsin.
2. Petitioner has a group size of 1 person (herself).
3. On September 3, 2014 petitioner reported that she begin a new job at [REDACTED]; this resulted in an increase in petitioner's income.
3. Petitioner's income is now in excess of \$972.50 per month (it is approximately \$1,752 per month).
4. Petitioner's BC+ was terminated effective October 1, 2014 because she is over the BC+ income limit.

DISCUSSION

BC+'s nonfinancial eligibility standards were broadened effective April 1, 2014 to include adults, such as petitioner, who do not have minor children in their home. Wis. Stat. § 49.45(23); 2013 Wisconsin Act 116, § 29, for effective date; *BadgerCare Plus Eligibility Handbook* ["BC+EH"], § 2.1.5. There is an income test. In order to be eligible for BC+ an applicant cannot have adjusted gross income exceeding 100% of the Federal Poverty Level ["FPL"]. Wis. Stat. § 49.45(23)(a); BC+EH § 16.1.1. For a group size of 1 person, like petitioner, 100% FPL is \$972.50 per month. BC+EH § 50.1.¹

Petitioner does not dispute that she is over income for BC+. However, she testified sincerely that it is very difficult for her to get by on what she earns and that she has a blood disorder and other health issues. She states that her income is not enough to support her basic needs. Unfortunately, this does not change the fact that she is over the BC+ income limit.

CONCLUSIONS OF LAW

For the reasons explained above, it was correct to end petitioner's MA effective October 1, 2014.

NOW, 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.

¹ The only allowed deductions from income are the federal income tax deductions used to arrive at Modified Adjusted Gross Income ["MAGI"], with some modifications. See, 42 C.F.R. § 435.603(e) (2012).

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 15th day of October, 2014

\sSean P. Maloney
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 15, 2014.

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