



FH  
[REDACTED]

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

---

In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FPO/161126

---

**PRELIMINARY RECITALS**

Pursuant to a petition filed October 6, 2014, under Wis. Stat. § 49.45(5), to review a decision by Milwaukee Enrollment Services to deny Medical Assistance (MA), a hearing was held on November 13, 2014, by telephone. A hearing set for October 29, 2014 was rescheduled at the petitioner's request.

The issue for determination is whether petitioner's income is over the BadgerCare Plus (BC+) limit for adults.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

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 applied for BC+ on June 5, 2014 for herself and her three children. Her monthly earned income was \$3,701 (note that income is counted differently for BC+ than for FoodShare; for BC+ weekly income is multiplied by 4, but for FS weekly income is multiplied by 4.3 to get monthly income).

3. By a notice dated June 18, 2014, the agency opened BC+ for petitioner's children but denied it for her because income was over the limit.
4. Petitioner reapplied for BC+ on September 11, 2014. Income at that point was \$3,924. By a notice dated September 18, 2014, the agency again denied eligibility for her. The children remain eligible.

### **DISCUSSION**

Prior to April 1, 2014, the income limit for BC+ was 200% of the FPL. State law changed effective April 1, 2014. As of that date the limit for caretaker parents was reduced to 100% of the FPL, which, for a four-person household, is \$1,987.50. See Wis. Stat., §49.471(4)(a)4.b for the new law, and the BC+ Handbook, Appendix 50.1 for the limit. Petitioner's counted monthly income totaled \$3,925.90. Thus petitioner is ineligible for BC+ and she has to go to the new health care market place for insurance.

Petitioner has tremendous monthly expenses but the law for BC+ requires gross monthly income to be counted against the limits. The Division of Hearings and Appeals does not have authority to make exceptions to the law.

### **CONCLUSIONS OF LAW**

The agency correctly determined that petitioner's income is over the BC+ limit.

**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 18th day of November, 2014

---

\sBrian C. Schneider  
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](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on November 18, 2014.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability