



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/161134

PRELIMINARY RECITALS

Pursuant to a petition filed October 6, 2014, under Wis. Stat., §49.45(5)(a), to review a decision by Milwaukee Enrollment Services to discontinue Medical Assistance (MA), a hearing was held on November 11, 2014, by telephone. A hearing set for October 24, 2014 was rescheduled at the petitioner's request.

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

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 received BC+ as a one-person household. In September, 2014, as part of a review, petitioner reported a new job at [REDACTED]. Eventually the agency received verification of petitioner's income, and the verification showed that petitioner's previous four weeks of work averaged gross pay of \$505.79 per week for a monthly amount \$2,023.17 (petitioner should note that weekly

income is multiplied by four for MA but by 4.3 for FoodShare due to differing rules in the programs).

3. By a notice dated September 18, 2014, the agency denied BC+ beginning October 1, 2014 because income was over the 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 one-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. The new law was implemented for ongoing eligible households at the first review completed after April 1, 2014.

Petitioner's monthly income was \$2,023.17 when calculated at her September review, well above the new \$972.50 limit. The agency thus correctly discontinued BC+. Petitioner testified that her hours have been reduced somewhat, but it is clear that they have not been reduced enough to bring monthly income down to below \$1,000.

CONCLUSIONS OF LAW

The agency correctly discontinued BC+ for petitioner following her review because her monthly income was higher than 100% of the poverty level.

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 12th day of November, 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 November 12, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability