



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/161146

PRELIMINARY RECITALS

Pursuant to a petition filed October 07, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Sheboygan County Department of Human Services in regard to Medical Assistance, a hearing was held on October 30, 2014, at Sheboygan, Wisconsin.

There remains no issue for determination.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Kristine Schmidt

Sheboygan County Department of Human Services
3620 Wilgus Ave
Sheboygan, WI 53081

ADMINISTRATIVE LAW JUDGE:

Corinne Balter
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Sheboygan County. Petitioner is a household of 4.
2. On September 15, 2014 Petitioner completed a BadgerCare (BC) Plus review. Petitioner submitted her four most recent weekly paystubs. Petitioner's husband received SSI benefits. At that time Petitioner's monthly gross household income was \$1994.08.

3. On September 24, 2014 the agency sent Petitioner a notice stating that as of October 1, 2014 the adult members of her household no longer qualified for Health Care benefits.
4. On October 6, 2014 Petitioner submitted more recent paystubs. Petitioner's monthly gross household income at that time was \$1991.
5. On October 9, 2014 the Division of Hearings and Appeals received Petitioner's request for fair hearing.
6. The monthly gross income limit for BC Plus coverage is \$1987.50. Petitioner was only four dollars over that limit. At the hearing Petitioner indicated that her wages had decreased. Following the hearing Petitioner submitted updated copies of her paystubs, and the agency determined that she was eligible for BC Plus coverage. There was no lapse in coverage.

DISCUSSION

BadgerCare Plus is a Wisconsin variant of the MA program, for non-elderly, non-disabled Wisconsin residents. Wis. Stat. § 49.45(23); 2013 Wisconsin Act 116, § 29, for effective date; *BadgerCare Plus Eligibility Handbook (BCPEH)*, § 2.1, at <http://www.emhandbooks.wisconsin.gov/bcplus/bcplus.htm> (viewed in November 2014). The petitioner meets the nonfinancial eligibility tests for the program.

Petitioner must also pass an income test. An eligible applicant cannot have adjusted gross income exceeding 100% of the federal poverty level (FPL). Wis. Stat. § 49.45(23)(a); *BCPEH*, § 16.1. The 100% FPL amount is \$1987.50 monthly for a household of four. *Id.*, § 50.1.

In this case Petitioner completed a review in September. The agency calculated her income at slightly above the program limits. At the hearing Petitioner testified that her wages had decreased. Following the hearing Petitioner submitted updated paystubs, and Petitioner's BC Plus coverage has remained open. There has not been any lapse in Petitioner's BC Plus coverage.

CONCLUSIONS OF LAW

There remains no issue for determination.

THEREFORE, it is

ORDERED

That the Petition is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 18th day of November, 2014

\sCorinne Balter
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 18, 2014.

Sheboygan County Department of Human Services
Division of Health Care Access and Accountability