



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redacted case information

DECISION

BCS/162088

PRELIMINARY RECITALS

Pursuant to a petition filed November 18, 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 December 9, 2014, by telephone.

The issue for determination is whether petitioner failed to provide verification.

PARTIES IN INTEREST:

Petitioner:

Redacted petitioner information

Respondent:

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

By: Redacted
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 receives MA under the BadgerCare Plus (BC+) program for adults who do not care for minor children. In a fair hearing decision issued in March, 2014, case no. BCS-156174, the agency was ordered to use petitioner's 2013 income, divided by twelve, for petitioner's monthly income because her income fluctuated. Petitioner's 2013 income was \$13,876, or \$1,156.33 per month.

3. On October 21, 2014, petitioner filed a review for BC+ and FoodShare. The agency requested verification from the two listed employers. Petitioner provided the requested verification from **Redact** (petitioner's daughter's employer), but **Redact** sent back a form saying only that petitioner's hours vary. The agency worker noted that according to state wage records, petitioner's income in the first three quarters of 2014 from that employer totaled almost \$12,000, so the worker then requested that petitioner provide her most recent pay stubs from the employer. Petitioner was given until November 7 to provide the pay stubs.
4. Petitioner did not provide the pay stubs from **Redact**. By a notice dated November 10, 2014, the agency informed petitioner that BC+ would end December 1, 2014 because petitioner did not verify her income.

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 \$1,310.83. See Wis. Stat., §49.471(4)(a)4.b for the new law, and the BC+ Handbook, Appendix 50.1 for the limit. Under the new rules petitioner's household is considered to be two people because although her daughter is an adult, petitioner still claims her as a tax dependent. See BC+ Handbook, App. 2.3.2.1. Petitioner's daughter's income is not counted in determining petitioner's BC+ eligibility. Handbook, App. 16.1.3.

An MA recipient is required to verify information that can affect eligibility. Wis. Admin. Code, §DHS 102.03. If the household fails to verify required information by the time limit, the agency may deny the benefits. Wis. Admin. Code, §DHS 102.03(1). The agency should assist the applicant if she requests assistance. BC+ Handbook, App. 9.8.

Petitioner acknowledges that she did not provide her pay stubs after the request was made. She refused because she did not trust the agency, and because she thought that the prior fair hearing decision had already determined her monthly income. However, a review is done to determine current circumstances. It appeared to the agency worker that petitioner's income increased since 2013; her yearly income through September, 2014 was \$11,962, an average of \$1,329 per month, which is slightly above the 100% of poverty standard. Thus the agency had every right to look at whether petitioner's current circumstances put her above or below the limit.

I conclude that the agency correctly denied ongoing BC+ for petitioner because she failed to verify her current income. Since petitioner brought her pay stubs with her to the hearing, she should work with the agency to re-determine her eligibility. I note that petitioner's year-to-date at the end of October, 2014 was \$13,502, which would average out to \$1,350 per month, so it is likely that she will be over the income limit.

CONCLUSIONS OF LAW

The agency correctly closed BC+ because petitioner did not verify her income as requested.

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 December, 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 December 18, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability