



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redacted name and address

DECISION

BCS/162096

PRELIMINARY RECITALS

Pursuant to a petition filed November 19, 2014, under Wis. Stat., §49.45(5)(a), to review a decision by the Rock County Dept. of Social Services to discontinue Medical Assistance (MA), a hearing was held on December 17, 2014, by telephone.

The issue for determination is whether the county correctly determined petitioner's MA eligibility after he reported a new job.

PARTIES IN INTEREST:

Petitioner:

Redacted petitioner information

Respondent:

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

By: Redacted
Rock County Dept. of Social Services
P.O. Box 1649
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # Redacted) is a resident of Rock County.
2. Petitioner receives MA under the BadgerCare Plus (BC+) program for adults who are not caretakers of minor children. Petitioner had a review of his BC+ eligibility done in November, 2014. He reported that he was working at Redacted an average of twenty hours per week at ten dollars per hour. That averages out to \$1,092 per month.

3. By a notice dated November 14, 2014, the county informed petitioner that BC+ would end December 1, 2014 because his income was over the limit. Petitioner appealed and benefits were continued pending this decision.

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 Level (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. See Wis. Stat., §49.471(4)(a)4.b for the new law, and the MA Handbook, Appendix 50.1 for the limit. The changes become effective for individuals at their first MA review after April 1, 2014, which for petitioner was the one done in November. Petitioner's monthly income is \$1,092. Thus petitioner no longer is eligible for BC+, and he would have to go to the new health care market place for insurance.

Obviously if income decreases petitioner can reapply for BC+.

CONCLUSIONS OF LAW

The county correctly determined that petitioner's income put him over the BC+ income 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 22nd 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 22, 2014.

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