



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redact

DECISION

BCS/161556

PRELIMINARY RECITALS

Pursuant to a petition filed October 22, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Eau Claire County Department of Human Services in regard to Medical Assistance, a hearing was held on November 18, 2014, at Eau Claire, Wisconsin.

The issue for determination is whether the county agency correctly denied BadgerCare Plus to the petitioner's teenage daughter because she has access to employer-subsidized health insurance and her household income exceed 150% of the federal poverty level.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

Redact

Respondent:

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

By: Redact

Eau Claire County Department of Human Services
721 Oxford Avenue
PO Box 840
Eau Claire, WI 54702-0840

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. The petitioner (CARES # Redact) is a resident of Eau Claire County.

2. On September 4, 2014, the agency notified the petitioner that her daughter was ineligible for BadgerCare Plus because she was eligible for insurance through an employer that paid at least 80% of the premium.
3. There are four persons in the petitioner's household. Her daughter who seeks BadgerCare Plus is 13 years old.
4. The petitioner and her husband earn \$3,596.94 per month. One hundred fifty percent of the federal poverty level for a four-person household is \$2,981.25.

DISCUSSION

BadgerCare Plus is Wisconsin's Medicaid program for those who are not elderly, blind, or disabled. Wis. Stat. § 49.471. Children between six and 18 living in households with income over 150% of the federal poverty level are ineligible for the program if an employer pays at least 80% of the premium. Wis. Stat. § 49.471(8)(cr); *BadgerCare Plus Handbook*, § 7.1. The agency denied BadgerCare Plus to the petitioner's 13-year-old daughter because the household's income exceeds 150% of the federal poverty level and it has access to health insurance in which an employer pays over 80% of the premium. The petitioner does not dispute any of these facts, and I have no authority to grant exceptions to the rules. Therefore, I must uphold the agency's decision.

CONCLUSIONS OF LAW

The petitioner's 13-year-old child is ineligible for BadgerCare Plus because she has access to health insurance in which her parent's employer pays over 80% of the premium and her total household income exceeds 150% of the federal poverty level.

THEREFORE, it is

ORDERED

The petitioner's appeal is 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 2nd day of January, 2015

\sMichael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on January 2, 2015.

Eau Claire County Department of Human Services
Division of Health Care Access and Accountability