



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/162713

PRELIMINARY RECITALS

Pursuant to a petition filed December 15, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Wood County Human Services - WI Rapids in regard to Medical Assistance, a hearing was held on February 03, 2015, at Hurley, Wisconsin.

The issue for determination is whether petitioner should be returned to her BC+ extension status.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Beulah Garcia

Wood County Human Services - WI Rapids
320 West Grand Avenue
PO Box 8095
Wisconsin Rapids, WI 54495-8095

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Iron County.
2. Petitioner was head of a BC+ case.
3. Petitioner reported her husband returning to work in November 2014.

4. The agency granted a one year BC+ extension to the case.
5. Petitioner received a renewal notice calling for completion of renewal by 12/31/14.
6. Petitioner called the agency which confirmed that renewal was required. This was an error.
7. Petitioner completed the renewal. MAGI rules were applied and petitioner and her husband were dropped from BC+ eligibility.
8. Petitioner appealed.

DISCUSSION

When a household's income increases from below 100% of the federal poverty level to above that amount, those already receiving benefits remain eligible for another year under a BadgerCare extension regardless of their income. *BadgerCare Plus Eligibility Handbook*, § 18.1. A recipient loses her extension if she fails to verify her income and at least one parent or caretaker in her extension assistance group is not disabled, a tribal member, or pregnant. *Id.*, § 18.5.1.4.

Petitioner was approved for an extension in November 2014. For some reason the agency was unable to explain, petitioner was also sent a notice requiring a case review by 12/31/14. Petitioner called and sought confirmation that she was required to do so, as she had just had her extension approved. The worker on the phone told petitioner she needed to complete the review in order to continue getting benefits.

Ironically, under current rules, any review necessitates application of the MAGI income analysis which resulted in petitioner and her husband *losing* their BC+. The agency states that it can do nothing. The agency concedes that petitioner was rightly entitled to the extension for 12 months and would have such coverage if not for repeated errors of agency workers.

Any denial of benefits at this point, and the refusal to correct the error, is a hypertechnical application of the program rules. The point of programs like BC+ is not to reduce the enrollment numbers, but to provide benefits such as health care to those who need it and fit within the program constraints. Petitioner did all that was asked and required and would be receiving BC+ if the agency had done its job properly. The petitioner must be returned to her previous position of status quo.

CONCLUSIONS OF LAW

The petitioner remains eligible for a BadgerCare Plus extension.

THEREFORE, it is

ORDERED

That this matter is remanded to the county agency with instructions that within 10 days of the date of this decision it continue her BadgerCare Plus eligibility consistent with the extension under which she had been receiving those benefits as of 1/1/15. Coverage should be retroactive to that termination date.

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 March, 2015

\sJohn P. Tedesco
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 March 2, 2015.

Wood County Human Services - WI Rapids
Division of Health Care Access and Accountability