



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redacted case name

DECISION

BCS/162788

PRELIMINARY RECITALS

Pursuant to a petition filed December 20, 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 January 20, 2015, by telephone.

The issue for determination is whether petitioner's income is over the MA limit.

PARTIES IN INTEREST:

Petitioner:

Redacted petitioner name

Respondent:

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

By: Redacted signature
Milwaukee Enrollment Services
1220 W. Vliet Street
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 received BadgerCare Plus (BC+) MA as a single adult. On September 5, 2014 the agency processed petitioner's six-month report form. The agency requested verification of petitioner's income from Redacted. By a notice dated September 18, 2014 the agency informed petitioner that BC+ would close October 1 because he did not provide verification.

3. Petitioner then sent in check stubs dated August 1 and September 12. Both showed weekly income to be approximately \$616, but the worker entered it as bi-weekly. However, even with monthly income of \$1,241, petitioner was over the BC+ limit, and the case was not reopened.
4. Petitioner's reapplied for BC+ on December 17, 2014. By a notice dated December 24, the agency denied BC+ because income was over the limit.

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 \$972.50. See Wis. Stat., §49.471(4)(a)4.b for the new law, and the MA Handbook, Appendix 50.1 for the limit. The agencies change each recipient over to the new rules at the first review after April 1, 2014, which explains why petitioner's status did not change until his September, 2014 six-month report. Petitioner's monthly household income after the report was listed as \$1,241, which was above the limit. The BC+ program uses gross income for all determinations; expenses are not taken into account.

Petitioner reapplied for BC+ in December, 2014, but given that the agency initially made a mistake and counted his income as bi-weekly instead of weekly, in actuality petitioner's income is twice as much as originally budgeted. Thus he remains above the BC+ income limit.

CONCLUSIONS OF LAW

Petitioner's income is above the new 100% of FPL limit for BC+ eligibility.

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 27th day of January, 2015

\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 January 27, 2015.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability