



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/163796

PRELIMINARY RECITALS

Pursuant to a petition filed February 4, 2015, under Wis. Stat., §49.45(5)(a), to review a decision by the Portage County Dept. of Human Services to discontinue Medical Assistance (MA), a hearing was held on March 5, 2015, by telephone.

The issue for determination is whether the county correctly denied BadgerCare Plus (BC+) MA after petitioner reported two new jobs.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Ann Vang

Portage County Dept. of Human Services
817 Whiting Avenue
Stevens Point, WI 54481-5292

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Portage County.
2. Petitioner and her husband received BC+ as a two-person household. On January 7, 2015 petitioner filed a six-month report form. She reported two new jobs, one with [REDACTED] and the other with [REDACTED]. All verification of income was received by January 28.

3. The last four pay stubs from [REDACTED] averaged \$637.90 biweekly. The only pay stubs from [REDACTED] [REDACTED] showed a biweekly average of \$184.67. Those amounts totaled \$1,645.14 monthly (for BC+ biweekly pay is multiplied by two to get monthly income).
4. The county informed petitioner that BC+ would end effective February 1, 2015 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 two-person household, is \$1,310.83. See Wis. Stat., §49.471(4)(a)4.b for the new law, and the MA Handbook, Appendix 50.1 for the limit. Petitioner's monthly household income was \$1,645.14 when the county calculated eligibility. Thus petitioner and her husband would be ineligible for BC+, and they would have to go to the new health care market place for insurance.

Petitioner testified that the income was inflated because it included training and holiday pay. She provided more recent pay stubs. The last four pay stubs from [REDACTED] actually average out to a higher amount - \$641.13 biweekly. The [REDACTED] year-to-date through the end of February was \$437.44, which still averages \$218.72 per month. Even at the lower amount household income still is \$1,494 per month (the income from [REDACTED] alone is \$1,282.86 based upon the four most recent pay stubs). With an income limit of \$1,310.83, the household remains over the limit even if the lesser income is used.

CONCLUSIONS OF LAW

The county correctly determined that petitioner's household income was over the BC+ 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 10th day of March, 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 March 10, 2015.

██████████ Department of Human Services
Division of Health Care Access and Accountability