FH
Redact

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redact

DECISION

BCS/165292

PRELIMINARY RECITALS

Pursuant to a petition filed April 07, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Marinette County Department of Human Services in regard to Medical Assistance, a hearing was held on May 26, 2015, at Marinette, Wisconsin.

The issue for determination is whether the agency erred in its termination of BC+.

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
Marinette County Department of Human Services
Wisconsin Job Center Suite B
1605 University Drive
Marinette, WI 54143

ADMINISTRATIVE LAW JUDGE:
John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # Redact) is a resident of Marinette County.
2. Petitioner was an ongoing member of the BC+ program.
3. On 3/3/15 petitioner reported new employment at WGS Global Services.

4. The employer completed an employer verification form reflecting 40 hours per week at $10 per hour.
5. The BC+ income limit for a childless adult is $980.83.
6. The agency terminated BC+ effective 3/31/15.
7. Petitioner appealed.

DISCUSSION

BadgerCare Plus is a Wisconsin variant of the MA program, for non-elderly, non-disabled Wisconsin residents. The program's nonfinancial eligibility standards were broadened effective April 1, 2014, to include adults who do not have minor children in their home. Wis. Stat. § 49.45(23); 2013 Wisconsin Act 116, § 29, for effective date; *BadgerCare Plus Eligibility Handbook (BCPEH)*, § 2.1, online at http://www.emhandbooks.wisconsin.gov/bcplus/bcplus.htm (viewed in March 2014). The petitioner meets the nonfinancial eligibility tests for the program.

The petitioner must also pass an income test. An eligible applicant cannot have adjusted gross income exceeding 100% of the federal poverty level (FPL). Wis. Stat. § 49.45(23)(a); *BCPEH*, § 16.1. The 100% FPL amount is $980.83 monthly for a household of one in 2015. *Id.*, § 50.1.

The Department has calculated a gross income amount for the petitioner of $1,600, based on the employer information. From gross income, the Department is allowed to subtract only those income tax deductions listed on lines #16 - #19 of the federal 1040A tax return, subject to modifications listed at 42 C.F.R. § 435.603(e).

Petitioner does not dispute these figures. Instead, he makes reference to some past police brutality and corruption that caused him harm. I regret that such things do not form the basis for BadgerCare Plus eligibility under current program rules.

CONCLUSIONS OF LAW

The agency did not err in terminating BC+ when petitioner's income increased over the threshold eligibility limit.

THEREFORE, it is **ORDERED**

That this 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 19th day of June, 2015

_____

\sJohn P. Tedesco
Administrative Law Judge
Division of Hearings and Appeals

State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
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5005 University Avenue
Madison, WI 53705-5400

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The preceding decision was sent to the following parties on June 19, 2015.

Marinette County Department of Human Services
Division of Health Care Access and Accountability