



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/165426

PRELIMINARY RECITALS

Pursuant to a petition filed April 15, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Ozaukee County Department of Social Services in regard to Medical Assistance, a hearing was held on May 14, 2015, at Port Washington, Wisconsin.

The issue for determination is whether the agency correctly discontinued Petitioner’s BadgerCare+.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Pahoua Vang

Ozaukee County Department of Social Services
121 W. Main Street
PO Box 994
Port Washington, WI 53074-0994

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Ozaukee County.
2. Petitioner filed this appeal to contest a discontinuance of her BadgerCare+ effective April 1, 2015.

3. Petitioner's BadgerCare+ eligibility was reviewed in February 2015 after Petitioner submitted new income information for a FoodShare application.
4. Petitioner's BadgerCare+ group size is 1.
5. When the agency processed Petitioner's income information, it concluded that her monthly income was \$1053.32. This consists of unemployment compensation in the amount of \$253.32 and earned income of \$800 per month (20 hours per week at \$10.00 per hour). This led to the discontinuance of BadgerCare+ because Petitioner's income was in excess of BadgerCare+ income limits.

DISCUSSION

BadgerCare+ is Wisconsin's Medicaid program for those who are not elderly or disabled. Effective April 1, 2014, Wisconsin state law changed and lowered the amount of adjusted gross income a household can have and still be eligible for benefits to 100% of the Federal Poverty Level for adults and 300% for children. *Wis. Stat. § 49.471(4)(a)*. This change was to be effective January 1, 2014 but was held off until April 1 to assure coordination with other changes in healthcare options; especially the Affordable Care Act. 100% of the Federal Poverty Level for a 1 person household was \$980.83 per month as of February 1, 2015. *BadgerCare+ Eligibility Handbook (BEH), §50.1*.

The agency discontinued Petitioner's BadgerCare+ after processing the information from Petitioner's submissions for her FoodShare application. I note that she had been eligible for BadgerCare+ as of April 1, 2014 and it was time for her annual BadgerCare+ review. The best information available indicated that Petitioner's gross income was \$1053.32. This is in excess of BadgerCare+ income limits. Thus Petitioner's BadgerCare+ was incorrectly discontinued.

Petitioner did indicate that she has health issues and needs a liver transplant. The Division of Hearings and Appeals cannot change the income limits for BadgerCare+ but Petitioner may want to contact the agency to obtain a disability based Medicaid application and also check with the federal marketplace for health care plans. Also, if her income drops she may certainly reapply for BadgerCare+.

CONCLUSIONS OF LAW

That Petitioner's BadgerCare+ was correctly discontinued as her income is over the BadgerCare+ income limits.

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 Milwaukee,
Wisconsin, this 3rd day of July, 2015

\sDavid D. Fleming
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on July 3, 2015.

Ozaukee County Department of Social Services
Division of Health Care Access and Accountability