



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redact

DECISION

BCS/165899

PRELIMINARY RECITALS

Pursuant to a petition filed May 8, 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 (MA)/BadgerCare Plus (BCP), a hearing was held on June 9, 2015, at Marinette, Wisconsin.

The issue for determination regarding BCP for May 2015 has been resolved.

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

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # Redact) is a resident of Marinette County.
2. Three of the petitioner's children were in foster care in April 2015. On April 17, 2015, the petitioner reported to her consortium that the three children would be returning to her care

effective May 1, 2015. The petitioner desired to have them on her BCP case effective May 1, 2015.

3. The three children remained on BCP as foster children for the month of May 2015. They were added to the petitioner's BCP case effective June 1, 2015, and remain eligible for coverage.

### DISCUSSION

The petitioner is unhappy that her three children were not added to her case effective May 1, 2015. However, because their BCP coverage has been continuous, and they are now on her case, the parties agree that there is no issue remaining for resolution by this Judge on the BCP case at this time.

### CONCLUSIONS OF LAW

Because BCP coverage for the petitioner's three contested children has been continuous, and they are now on the petitioner's case, the parties agree that there is no issue remaining for resolution by this Judge on the BCP case at this time.

**THEREFORE, it is**

**ORDERED**

That the petition 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 10th day of June, 2015

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\sNancy J. Gagnon  
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 June 10, 2015.

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