



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/166755

PRELIMINARY RECITALS

Pursuant to a petition filed June 18, 2015, under Wis. Stat., § 49.45(5)(a), to review a decision by Milwaukee Enrollment Services to deny Medical Assistance (MA), a hearing was held on July 7, 2015, by telephone.

The issue for determination is whether petitioner's income is over the BadgerCare Plus (BC+) MA limit.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Belinda Brown
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 BC+ for a single person until February 1, 2015. At that point she began to receive social security of \$1,212 per month. She also has earned income.
3. BC+ ended March 1, 2015, but petitioner continued to receive MA because she also was listed as receiving Supplemental Security Income (SSI). Since SSI ended, that MA ended June 30, 2015.

DISCUSSION

As of April 1, 2014 all childless adults became eligible for BC+ with the income limit of 100% of the federal poverty level, 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. When petitioner's social security started, that monthly amount alone was above the BC+ limit.

Anyone who receives SSI benefits is entitled to receive MA as "categorically needy" under Wis. Stat., §49.46(1)(a)4. Conversely, when SSI eligibility ends so does that person's entitlement to MA under the provisions of this statutory section. Thus since petitioner's record showed that she was receiving SSI in early 2015, MA continued until June 30.

At this point petitioner remains eligible for regular MA as a disabled person. However, since the income limit for regular MA is \$591.67, she would have to meet a substantial six-month deductible to become eligible.

There also is the Medicaid Purchase Plan (MAPP). The MAPP program allows disabled individuals to work but to retain eligibility for MA. Wis. Stat., §49.472; MA Handbook, Appendix 26.1. If net income is below 250% of the federal poverty level, the person is eligible for the program. Wis. Adm. Code, §HFS 103.03(8)(b); Handbook, App. 26.4.2. 250% of the poverty level is \$2,452.08. Handbook, App. 39.5. If gross income is above 150% of the federal poverty level, the person is required to pay a monthly premium to receive MAPP benefits. Wis. Adm. Code, §HFS 103.087(1)(b); MA Handbook, App. 26.5.1. 150% of the poverty level is \$1,569.33. Handbook, App. 39.5.

Petitioner should look into the MAPP program. For purposes of this decision, I conclude that the agency correctly denied BC+ after petitioner's social security started.

CONCLUSIONS OF LAW

Petitioner's income is 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 July, 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 July 10, 2015.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability