



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION



PRELIMINARY RECITALS

Pursuant to a petition filed July 7, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance (MA)/BadgerCare Plus, a hearing was held on September 2, 2015, at Milwaukee, Wisconsin. A previous hearing was rescheduled at the petitioner's request.

The issue for determination is whether the Department correctly discontinued the petitioner's BadgerCare Plus coverage effective August 1, 2015, due to excess income.

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:  HSPC Sr.
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

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

FINDINGS OF FACT

1. Petitioner (CARES # ) , age 61, is a resident of Milwaukee County.
2. Prior to August 2015, the petitioner was insured under BadgerCare Plus (BCP) as a household of one person. His case underwent an annual review, and it was discovered that his income was too

high for the BCP program. Specifically, he had Social Security of \$673 monthly, plus earned income of \$450.62. This put him over the \$972 gross income limit for BCP.

3. On June 30, 2015, the Department issued written notice to the petitioner advising that his BCP coverage was being discontinued effective August 1, 2015, due to excess income.
4. The petitioner is disabled. His income is under the higher income limit for the MAPP program, which also provides health insurance coverage. The agency opened a MAPP case for the petitioner effective August 1, 2015, so there has been no gap in the petitioner's health insurance coverage.

DISCUSSION

The agency correctly discontinued the petitioner's BCP due to excess income. However, his income is under the higher income limit for the MAPP program, which also provides health insurance coverage. The agency opened a MAPP case for the petitioner effective August 1, 2015, so there has been no gap in the petitioner's health insurance coverage. Thus, no issue remains to be decided by this Judge regarding the petitioner's insurance coverage.

CONCLUSIONS OF LAW

There has been no gap in the petitioner's health insurance coverage, as he is currently open for MAPP. Thus, no issue remains to be decided by this Judge regarding the petitioner's insurance coverage.

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 September, 2015

\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 September 10, 2015.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability