



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/168248

PRELIMINARY RECITALS

Pursuant to a petition filed August 24, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on September 16, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether any dispute remains with regard to the requirement of a premium for BC+.

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: [Redacted]
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Milwaukee County. She lives with her child.
2. The agency determined a discrepancy between budgeted income state benefits and income reported by the employer on the state wage record. The agency sought income verification.

3. The employer completed an employer verification form. Petitioner did not provide pay stubs. The agency used the form to redetermine eligibility on June 9, 2015. The EVF indicated 30 hours per week of employment at 16 dollars per hour.
4. The calculation resulted in petitioner having a premium to pay for BC+.
5. For purposes of FS eligibility, the recalculation effected a reduction of the FS allotment.
6. Petitioner requested a hearing on August 26, 2015.

DISCUSSION

At hearing, the ALJ addressed two separate appeals. One was a FoodShare case and the other related to BadgerCare. The agency had reduced FS based on the representations of the employer on an employer verification form. The agency had also calculated a premium for BC+ eligibility. Petitioner explained that she was confused that the county's documentation reflected different budgeted income amounts. At hearing, the agency explained that the FS rules require the agency to budget a weekly income times 4.3 in consideration that most months are 4.3 weeks on average rather than exactly 4 weeks (28 days). BC+, on the other hand does use a weekly income times 4 weeks to arrive at a monthly income.

After this explanation, petitioner did not have any further dispute with the agency actions and explained that she understood the reasons for the changes stating: "and, that's fine. If I could have been given that information on the phone then this could have been avoided."

Given petitioner's statements at hearing, and given the total record in this matter, there is no indication that the agency erred in any way.

CONCLUSIONS OF LAW

That the agency did not err.

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 16th day of October, 2015

\sJohn P. Tedesco
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 October 16, 2015.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability