



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/169003

PRELIMINARY RECITALS

Pursuant to a petition filed September 24, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Kenosha County Human Service Department in regard to Medical Assistance, a hearing was held on October 27, 2015, at Racine, Wisconsin.

The issue for determination is whether the agency properly closed the Petitioner's BC+ case effective October 1, 2015.

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: Kelly Kosloske

Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Racine County.
2. On July 8, 2015, the Petitioner filed an application for BC+ benefits. A phone interview was conducted with the Petitioner on July 16, 2015. Petitioner reported that she and her minor child

live with her mother and brother. She also reported that she and her daughter prepare their own meals separate from her mother.

- 3. At the time of filing her application, the Petitioner was 20 years old.
- 4. On September 8, 2015, the agency issued a Notice of Proof Needed to the Petitioner requesting verification of her living arrangement and specifically, whether she is living with her mother. The due date for the information was September 17, 2015.
- 5. On September 17, 2015, the Petitioner submitted an envelope with her name and address.
- 6. On September 18, 2015, the agency issued a Notice of Decision to the Petitioner informing her that her BC+ benefits would end effective October 1, 2015 for failure to provide requested verifications.

DISCUSSION

Beginning February 1, 2014, BadgerCare Plus eligibility determinations use Modified Adjusted Gross Income (MAGI) rules. MAGI rules are based on the concept of an individual’s tax household, not necessarily on the physical household or family relationships. BC+ Handbook, § 2.3.2. If an applicant is a tax filer and is NOT being claimed as a dependent by anyone else, then the applicant’s MAGI group consists of the tax filer, the tax filer’s spouse, and any dependents the tax filer is claiming. BC+ Handbook, §2.3.2.1.

In this case, the Petitioner testified that she files taxes separately from her mother. She testified that her mother does not claim her as a dependent on taxes. She also testified that she claims her own daughter as a dependent on her taxes.

The Petitioner did not present proof of tax filing status to the agency or at the hearing. The agency representative advised the Petitioner at the hearing that she can reapply for BC+ benefits and provide proof that she is not being claimed by her mother as a dependent.

Based on the information provided, I conclude that the agency properly closed the Petitioner’s BC+ case effective October 1, 2015 based on a failure to provide verification of her household and tax filing status to the agency.

CONCLUSIONS OF LAW

The agency properly closed the Petitioner’s BC+ case effective October 1, 2015 based on a failure to provide verification of her household and tax filing status to the agency.

THEREFORE, it is **ORDERED**

That the Petitioner’s 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 17th day of November, 2015

\sDebra Bursinger
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 November 17, 2015.

Kenosha County Human Service Department
Division of Health Care Access and Accountability