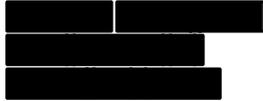




STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/169983

PRELIMINARY RECITALS

Pursuant to a petition filed November 7, 2015, under Wis. Stat., §49.45(5)(a), to review a decision by the Rock County Dept. of Social Services to discontinue Medical Assistance (MA), a hearing was held on December 9, 2015, by telephone.

The issue for determination is whether the agency correctly determined that petitioner and her husband were over the BadgerCare Plus (BC+) income limit.

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: 
Rock County Dept. of Social Services
P.O. Box 1649
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Rock County.
2. Petitioner had her second child on September 25, 2015. At that point she was eligible for a two-month childbirth extension of her BC+ MA.
3. The extension ended November 30, 2015. The agency then reviewed household income. Petitioner's husband's monthly income was \$2,623. By a notice dated November 5, 2015, the

agency informed petitioner that BC+ for her was ending December 1, and BC+ for her and her husband was denied beginning that date. BC+ for the children remains in place.

DISCUSSION

Prior to April 1, 2014, the income limit for BC+ was 200% of the FPL. State law changed effective April 1, 2014 following the passage of 2013 Wisconsin Act 20. As of that date the limit for caretaker parents was reduced to 100% of the FPL, which, for a four-person household is \$2,020.83. See Wis. Stat., §49.471(4)(a)4.b for the new law, and the BC+ Handbook, Appendix 50.1 for the limit.

Petitioner was eligible for BC+ until November 30 was because of a two month extension after her baby was born in September. See BC+ Handbook, App. 8.1.

Petitioner reported at the hearing that her husband's income has decreased, but the decrease is insufficient to bring it below the BC+ limit. His current income is \$2,401 monthly.

Petitioner testified that she cannot afford MarketPlace insurance due to her diabetes. However, under the BC+ rules there are no exceptions for good cause or medical reasons. I must conclude, therefore, that the agency correctly determined BC+ eligibility for petitioner's household.

CONCLUSIONS OF LAW

Petitioner's household income is over the BC+ limit for her household size, and the agency thus correctly ended petitioner's eligibility when her two-month childbirth extension ended.

THEREFORE, it is

ORDERED

That the petition for review 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.

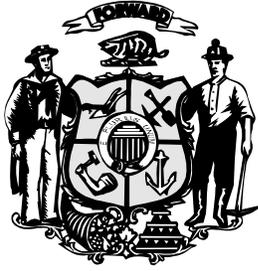
APPEAL TO COURT

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 11th day of December, 2015

\sBrian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on December 11, 2015.

Rock County Department of Social Services
Division of Health Care Access and Accountability