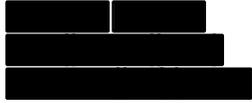




STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/171104

PRELIMINARY RECITALS

Pursuant to a petition filed January 4, 2016, under Wis. Stat., §49.45(5)(a), to review a decision by the Dane County Dept. of Human Services to discontinue Medical Assistance (MA), a hearing was held on March 11, 2016, at Madison, Wisconsin. A hearing set for February 9, 2016 was rescheduled at the petitioner's request.

The issue for determination is whether the agency correctly discontinued BadgerCare Plus (BC+) MA.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Petitioner's Representative:



Respondent:

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

By: [Redacted]
Dane County Dept. of Human Services
1819 Aberg Avenue
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Dane County.
2. Petitioner received BC+ MA until May 1, 2015. The county closed BC+. Petitioner did not timely appeal the discontinuance. See Division of Hearings and Appeals decision no. CCB/166084, dated 11/19/15, Preliminary Recitals.

- Petitioner reapplied for BC+ on December 14, 2015. On January 4, 2016 she filed an appeal, checking MA "Overpayment," and MA "Benefit Amount Reduced." The Division of Hearings and Appeals opened this file with BC+ discontinuance as the issue. A separate overpayment file was opened that will be dealt with separately. Petitioner also later filed an appeal of a denial of the December 14 BC+ application. That denial also will be dealt with separately.

DISCUSSION

This appeal file was opened because the Division of Hearings and Appeals support staff noted the discontinuance of BC+ in petitioner's record. However, BC+ closed May 1, 2015 and petitioner did not appeal timely. No new action was taken until the December 14, 2015 application, and when this appeal was filed that application still was pending. I thus will dismiss this appeal as having no issue to review. Separate decisions will address the denials of BC+, FoodShare, and Child Care Assistance that occurred following the December 14 application.

CONCLUSIONS OF LAW

There is no issue to determine in this file opened as involving a discontinuance of BC+.

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 15th day of March, 2016

\sBrian C. Schneider
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 March 15, 2016.

Dane County Department of Human Services
Division of Health Care Access and Accountability
Attorney [REDACTED] [REDACTED]