



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/171296

PRELIMINARY RECITALS

Pursuant to a petition filed January 08, 2016, 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 February 09, 2016, at Milwaukee, Wisconsin.

The issue for determination is whether the county correctly terminated MA when an extension ended.

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:

Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES #) is a resident of Milwaukee County.
2. Due to income, petitioner was placed into an MA extension during the period of January, 2015, through January, 2016.

3. Petitioner has a household of five, and completed a benefits renewal on October 9, 2015. On October 20, 2015, a notice of decision was sent to petitioner informing her that healthcare was open with a \$57.00 premium.
4. On December 29, 2015, a notice of decision was mailed to petitioner informing her that her extension was ending and her household was over the program income limit.

DISCUSSION

To be eligible for MA, an adult female under age 65 must be disabled, blind, pregnant, or the caretaker of minor children. Wis. Stat., §§49.46(1) and 49.47(4). The record does not indicate that petitioner has been determined to be disabled, nor was she blind or pregnant.

A caretaker of a minor child can receive MA if net household income is below the limit for the household size. Wis. Adm. Code, §DHS 103.04(1)(b); MA Handbook, App. 5.4.5.3. The income limit for a five-person household is \$2,367.50. Handbook, App. 5.4.13. If a household is eligible for MA, but income rises above the limit, the household is entitled to a one-year MA extension. Handbook, App. 5.6.3.

In this case petitioner's MA eligibility ended due to an increase in household income. She was given a one-year extension. Simply stated, her net income still was above the program income limit upon the termination of her extension period, so she no longer is eligible for MA.

Petitioner asserted that since the household was eligible at times during the extension, the time frame should be expanded. I, however, have no authority to grant BadgerCare in this situation because the 12 month limitation is specified in the Wisconsin Statutes. Wis. Stat., §49.665(1)(d).

CONCLUSIONS OF LAW

The county correctly terminated MA when petitioner's one-year extension ended.

NOW, THEREFORE, it is **ORDERED**

That the petition for review herein be and the same 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 28th day of March, 2016

\sPeter McCombs
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 March 28, 2016.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability