



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: BCS - 175751

PRELIMINARY RECITALS

Pursuant to a petition filed on July 23, 2016, under Wis. Stat. § 49.45(5)(a), to review a decision by the Douglas County Department of Human Services regarding Medical Assistance (MA), a hearing was held on August 17, 2016, by telephone.

The issue for determination is whether the petitioner's income exceeds the federal poverty level.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

;

Respondent:

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

By: [REDACTED]
Douglas County Department of Human Services
1316 North 14th Street
Suite 400
Superior, WI 54880

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Douglas County.
2. The petitioner lives with her two minor children.

3. The petitioner earns \$1,861.44 per month.
4. The department ended the petitioner's BadgerCare Plus benefits because her income exceeds the federal poverty level. (Her children remain eligible.)

DISCUSSION

BadgerCare Plus is Wisconsin's medical assistance program for those who are not elderly or disabled. Adults are ineligible if their household income exceeds the federal poverty level, which for a three-person household—the size of the petitioner's—is \$1,680 per month. Wis. Stat. § 49.471(4)(a); *BadgerCare Plus Handbook*, § 50.1. The county agency ended the petitioner's BadgerCare Plus benefits she earns \$1,861.44 per month. She does not dispute this, but contends that her income will soon decline because her pay has been cut as a result of having fewer responsibilities at work. Based upon her testimony, it appears that she will almost certainly regain her eligibility. As I told her at the hearing, she should report and verify this to the county. But I must base her current eligibility on her current reported income. Until she reports that her income has fallen, she will be ineligible for benefits.

CONCLUSIONS OF LAW

The department correctly determined that the petitioner is ineligible for BadgerCare Plus because her income exceeds the federal poverty level.

THEREFORE, it is

ORDERED

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, **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 19th day of August, 2016

\s _____
Michael D. O'Brien
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 August 19, 2016.

Douglas County Department of Human Services
Division of Health Care Access and Accountability