



STATE OF WISCONSIN  
Division of Hearings and Appeals

In the Matter of



**DECISION**  
Case #: BCS - 175768

**PRELIMINARY RECITALS**

Pursuant to a petition filed July 25, 2016, under Wis. Stat., §49.45(5)(a), to review a decision by Milwaukee Enrollment Services to discontinue Medical Assistance (MA), a hearing was held on August 18, 2016, by telephone.

The issue for determination is whether MA can be backdated to May, 2016.

**PARTIES IN INTEREST:**

Petitioner:



Respondent:

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

By:   
Milwaukee Enrollment Services  
1220 W. Vliet St.  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # ) is a resident of Milwaukee County.
2. Petitioner received BadgerCare Plus (BC+) MA until April 30, 2016. Petitioner reported new employment in early March, 2106, and the agency requested verification. Petitioner did not receive the verification request or other notices at that time because mail was being delivered to another tenant in the apartment building with the same last name.

3. By a notice dated March 29, 2016 the agency informed petitioner that BC+ would end May 1 because she failed to verify information and due to income.
4. On May 17 petitioner contacted the agency to inquire about the case status. The worker told her that her case closed May 1 because she did not verify information. She was advised to submit the verification.
5. Petitioner submitted the verification on May 19. She also explained that income she reported as “unearned” was a mistake, that it actually was employment income. The worker accepted the verification, ran the case, and confirmed eligibility. BC+ did not reopen, however.
6. On June 16 petitioner again inquired about the case and was told that it was reopening for July, but that it failed to reopen earlier. The worker ran a “3070” eligibility form for June, but not for May.
7. By a notice dated June 17 the agency informed petitioner that she was eligible for BC+ effective June 1, 2016 with no premium. Petitioner then filed this appeal seeking MA for May.

### DISCUSSION

Under BC+ rules if a case closes due to failure to verify, if the person verifies the information within the 30 days after closure the case can be reopened without a new application. BC+ Handbook, §25.9. Petitioner’s BC+ closed May 1, 2016 because she failed to verify income. She corrected the lapse when she provided the necessary verification on May 19. At that point the worker confirmed the case, but nothing else happened. When petitioner contacted the agency in June, the worker opened BC+ for June, but not for May. Petitioner filed this appeal within 45 days of the June 17 notice that reopened BC+ for June but missed the May eligibility.

I conclude that petitioner should have been re-opened for May as well. Evidence shows that household income was similar for May as it was for June. Petitioner explained on May 17 that there was no unearned income; she had simply made a mistake when checking boxes on the change report. The household eventually went over the BC+ income limit, but that occurred after June, 2016.

### CONCLUSIONS OF LAW

Petitioner was eligible for MA in May, 2016 because she provided missing verification during that month, and it was within the 30 days after the case closed.

**THEREFORE, it is**

**ORDERED**

That the matter be remanded to the agency with instructions to make petitioner eligible for BC+ for the month of May, 2016; this decision does not affect any other household members. The agency shall take the action within 10 days of this decision.

### **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 23rd day of August, 2016

\s \_\_\_\_\_  
Brian 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](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on August 23, 2016.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability