



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: BCS - 213015

PRELIMINARY RECITALS

Pursuant to a petition filed on April 12, 2024, under Wis. Stat. § 49.45(5)(a), to review a decision by the Eau Claire County Department of Human Services regarding Medical Assistance (MA), a hearing was held on May 22, 2024, by telephone.

The issue for determination is whether the agency correctly terminated her BadgerCare Plus as of April 1, 2024.

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: Danielle Snyder

Eau Claire County Department of Human Services
721 Oxford Avenue
PO Box 840
Eau Claire, WI 54702-0840

ADMINISTRATIVE LAW JUDGE:

Teresa A. Perez
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dunn County who received BadgerCare Plus (BCP) continuously from at least November 1, 2021 through March 31, 2024.
2. At some point during the public health emergency, Petitioner entered into a 12-month BCP extension.
3. By notice dated February 12, 2024, the agency informed Petitioner that she needed to complete a BCP renewal and that if she did not act by March 18, 2024, her benefits could end on March 31, 2024. This was her first renewal following the end of the public health emergency.
4. Petitioner submitted paystubs to the agency to verify her earned income on February 19, 2024 and called the agency on February 20, 2024 to find out what more she needed to do. The agency worker advised her that her income exceeded the BCP program income limit and that her BCP would therefore close on April 1, 2024. The agency worker did not give Petitioner the opportunity to complete a renewal.
5. By notice dated February 20, 2024, the agency informed Petitioner that her BCP would terminate as of April 1, 2024 because her income exceeded the program income limit. The agency did not terminate her BCP for failure to timely complete a renewal.
6. On April 2, 2024, Petitioner called to ask about options to obtain health care coverage and the worker gave her an opportunity to complete a renewal at that time. The agency again found her to be ineligible.
7. On April 12, 2024, Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

Pursuant to an Operations Memo issued by the Division of Medicaid Services on March 17, 2023:

Under the federal Families First Coronavirus Response Act (FFCRA), states were granted increased federal funding to maintain Medicaid enrollment for any member enrolled on or after March 18, 2020, unless the member passed away, moved out of state, or asked to be disenrolled. . . Health care members enrolled in [BadgerCare Plus] on or after March 18, 2020, through March 31, 2023, will maintain continuous health care eligibility until their next renewal . . .

During the [June 2023 through May 2024] unwinding period, members who had a qualifying increase in earned income or spousal support during the continuous coverage period will qualify for a 12-month or 4-month extension, respectively, starting the month after the renewal is completed. This will occur regardless of when the earned income increase occurred and when it was reported.

Although the policy above does not explicitly say so, individuals in this situation must complete the renewal timely to qualify for the additional extension.

In this case, Petitioner was enrolled in BCP in May 2020 and entered an earned income extension at some point during the public health emergency. She was thus potentially eligible for an additional twelve-

month extension. The agency contended that Petitioner did not timely complete her renewal and thus missed out on the opportunity for that additional 12 months of BCP coverage.

Petitioner timely initiated the renewal process by submitting earned income verification more than a month prior to the March 31, 2024 date that her renewal was due. Upon receiving the verification of Petitioner's earned income in February 2024, the agency wrongly concluded that Petitioner's income rendered her ineligible for further BCP benefits and denied her the opportunity to complete the renewal process prior to March 31, 2024. The agency's termination of Petitioner's BCP as of April 1, 2024 was not based on her failure to complete a timely renewal; it was based on the agency's failure to apply the policy set forth in the Operations Memo quoted above. I therefore find that the agency incorrectly terminated Petitioner's BCP as of April 1, 2024 and that she is entitled to a twelve month extension starting the month of April 2024.

CONCLUSIONS OF LAW

The agency wrongly terminated Petitioner's BCP effective April 1, 2024.

THEREFORE, it is ORDERED

The matter is remanded to the agency to, within ten days of the date of this decision, take the administrative steps necessary to reopen Petitioner's BCP as of April 1, 2024.

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, 4822 Madison Yards Way, 5th Floor North, 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

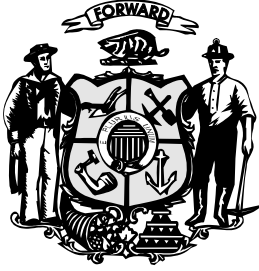
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision 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 24th day of June, 2024



\s _____
Teresa A. Perez
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 June 24, 2024.

Eau Claire County Department of Human Services
Division of Health Care Access and Accountability