



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: BCS - 221109

PRELIMINARY RECITALS

Pursuant to a petition filed on December 5, 2025, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services regarding Medical Assistance (MA), a hearing was held on January 13, 2026, by telephone.

The issue for determination is whether the agency correctly terminated petitioner's BadgerCare Plus benefits as of December 1, 2025, for exceeding program income limits.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
201 E. Washington Ave.
Madison, WI 53703

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

ADMINISTRATIVE LAW JUDGE:

Jason M. Grace
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County. The Petitioner was enrolled in the BadgerCare Plus (BCP) program as a household of one.
2. On October 30, 2025, an About Your Benefits notice was issued to petitioner indicating he was not enrolled in BCP as of December 1, 2025, as income exceeded program limit.
3. On December 8, 2025, an About Your Benefits notice was issued to petitioner addressing healthcare and FoodShare benefits. The notice listed household bills that included utilities, rent of \$690/month, and child support payment of \$496.48/month. The notice further indicated he was not enrolled in BCP as of December 1, 2025, as income exceeded program limit. The notice indicated he had monthly counted income for the BCP program of \$1,462.96 and counted annual income of \$50,856.94 for 2025 and \$17,555.52 for 2026.
4. The petitioner timely appealed. He argued that his child support payments should be a countable income deduction for determining BCP eligibility.

DISCUSSION

The BadgerCare Plus (BCP) program is a state and federal program that provides health coverage for low-income Wisconsin residents. To be eligible for BCP a person must meet certain non-financial and financial requirements. BCP Handbook, § 16.1. The income limit for parents/caretakers with children is 100% of the federal poverty level (FPL). Id. All taxable gross income is counted. Id. In December 2025, 100% of the FPL for a household of one was \$1,304.17/month. See BCP Handbook, § 50.1 (Release 25-03). The annual income limit for purposes of gap filling was \$15,650.00 See BCP Handbook, §§ 16.9 (for gap filling policy) and 50.1 (Release 25-04).

At hearing, the agency's representative explained the basis for the termination of the petitioner's BCP benefits as of December 1, 2025. The agency representative further provided an explanation of how the agency determined and calculated the petitioner's income. At hearing, the petitioner did not dispute the agency's calculation of his income. Instead, he argued that his child support payments should be treated as an income deduction for purposes of BCP eligibility.

Established BCP policy indicates that "Child support payments are not allowed as an income deduction." BCP Handbook, § 16.3.1 (Release 25-04). Petitioner did not dispute that the agency followed BCP policy in finding that his child support payments were not allowed income deductions. Instead, he argued that such BCP policy violates "Title IX Amendment." He did not cite any specific authority supporting the application of this federal law (which typically applies to educational programs or activities that receive federal financial assistance) to the BCP program, or otherwise sufficiently develop his legal argument.

I do not have the authority to modify BCP policy as to the treatment of child support payments. I am also without authority to base any decision on grounds of equity or fairness. It is the longstanding policy of the DHA that its administrative law judges do not possess equitable powers. See, Village of Silver Lake, Wis. v. DOR, 87 Wis. 2d 463 (Wis. App. 1978). Based on the evidence in the record, the agency followed established BCP policy in finding petitioner's child support payments are not an allowed income deduction, and that petitioner is ineligible for BCP as of December 1, 2025, due to exceeding program income limits.

CONCLUSIONS OF LAW

1. The agency followed BCP Handbook, § 16.3.1 in finding that petitioner’s child support payments are not an allowed income deduction.
2. The agency correctly terminated BCP benefits for the petitioner as of December 1, 2025, for exceeding program income limits.

THEREFORE, it is ORDERED

That 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, 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.

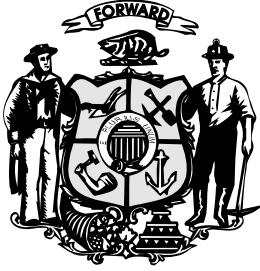
APPEAL TO COURT

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, 201 E. Washington Ave., **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 January, 2026

\s _____
Jason M. Grace
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 January 15, 2026.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability