



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: BCS - 219613

PRELIMINARY RECITALS

Pursuant to a petition filed August 5, 2025, under Wis. Stat., §49.45(5)(a), to review a decision by the Dane County Dept. of Human Services to discontinue Medical Assistance (MA), a hearing was held on September 24, 2025, by telephone.

The issue for determination is whether petitioner is a resident of Wisconsin for MA purposes.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Sarah Rosenstein
Dane County Dept. of Human Services
1819 Aberg Avenue
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is 21 years old and claims to be a resident of Dane County.
2. Petitioner has received BadgerCare Plus (BC+) MA and FoodShare as a one-person household in Dane County in the recent past.

3. Petitioner submitted a renewal on July 16, 2025, claiming to be homeless in Dane County. The worker noted that all FoodShare use was in Mississippi and sought further information.
4. Petitioner is a senior at [REDACTED] in Mississippi. She has an apartment there, and she works there in a work-study job. She voted in Mississippi. She has no residence in Wisconsin, and has not been in Wisconsin for any reason in 2025.
5. The county determined that petitioner no longer is a resident of Wisconsin. By a notice dated July 30, 2025, it informed petitioner that BC+ would end September 1, 2025 because she is not a resident of Wisconsin. Benefits were continued pending this decision.

DISCUSSION

As a first point, the county also discontinued FoodShare. The FS appeal was assigned to a different judge and a hearing was held before the hearing in this case. This decision discusses only the residency issue as it applied to BC+.

BC+ is a state and federal program that provides health coverage for low-income Wisconsin residents. A person must be a Wisconsin resident to be eligible for BC+ in this state. Wis. Admin. Code §DHS 103.03(3)(b); BC+ Handbook, §3.1.

In petitioner's case there are conflicting policies in play. Generally residence is based on physical presence and the intent to maintain residence indefinitely. Once established, Wisconsin residence is retained until superseded by a new place of residence. Wis. Admin. Code §DHS 103.03(3)(g); BC+ Handbook, §3.5. Wisconsin residents who are going to school in another state maintain Wisconsin residence. BC+ Handbook, §3.1.

Wisconsin residence is maintained until any of the following:

- The person notifies the IM agency that they no longer intend to reside in Wisconsin.
- Another state determines the person is a resident in that state for Medicaid/Medical Assistance.
- Other information is provided that indicates the person is no longer a resident.

BC+ Handbook, §3.5. The county agency here determined that other information indicates that petitioner no longer is a resident. She has not applied for Medicaid in Mississippi, and she has not notified the agency that she no longer intends to reside in Wisconsin.

The policy that makes petitioner's residence questionable here is in the Handbook, §3.4.3: "A homeless person living in Wisconsin meets the requirement of being physically present in Wisconsin."

In this case petitioner claims to be a homeless resident of Wisconsin although she is not physically present here and has not been in the state since "last year," according to her own testimony. On the other hand, petitioner has an apartment in Jackson, Mississippi that she uses as an address for work purposes, and she votes in Mississippi.

The simple fact is that a person cannot be a homeless resident of Wisconsin while living in a home in another state, even if she is attending college there. When I asked petitioner why she did not claim her mother's address as her permanent residence (she used that address for the appeal to this office, after all), she responded because she does not reside there. She admitted to having no residence in this state. Since homeless residency is based on physical presence, petitioner cannot be considered a Wisconsin resident

because she is not physically present here. She cannot be a homeless Wisconsin resident while living in an apartment in Mississippi.

I conclude that the county agency correctly determined that petitioner is not a Wisconsin resident for BC+ purposes. It correctly discontinued eligibility.

CONCLUSIONS OF LAW

The county agency correctly discontinued petitioner's BC+ because she no longer is a Wisconsin resident.

THEREFORE, it is **ORDERED**

That the petition for review 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, 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.

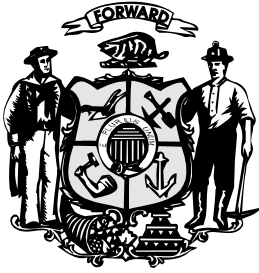
APPEAL TO COURT

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 26th day of September, 2025

\s _____
Brian C. Schneider
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 September 26, 2025.

Dane Cty. Dept. of Human Services
Division of Health Care Access and Accountability