

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

CODY FLACK, *et al.*,

Plaintiffs,

v.

WISCONSIN DEPARTMENT OF  
HEALTH SERVICES, *et al.*,

Defendants.

Case No. 3:18-cv-00309-wmc  
Judge William Conley

**SUPPLEMENTAL DECLARATION OF MARIE C. KELLY**

I, Marie C. Kelly, declare as follows:

1. I am one of the plaintiffs in the above-captioned case. I have personal knowledge of the matters stated in this declaration. This declaration supplements my previous declaration submitted in support of Plaintiffs' Motion to Modify the Preliminary Injunction [ECF No. 93].

2. I work at Elite Staffing and Staffing Partners, two temp agencies with locations in Milwaukee. Both agencies connect me to temporary jobs with local companies, based on their immediate staffing needs. As such, the number of hours I work—and accordingly my income—varies significantly each month. Until earlier this year, my monthly income, though it varied, always fell below the income limit for BadgerCare (Wisconsin Medicaid) eligibility.

3. Beginning in early January 2019, Elite Staffing connected me to a job at General Mills where I was working on the assembly line, packing and sorting food products. At General Mills, I was working an average of 8 hours a day, 4 days a week, and making \$11 per hour.

4. In February 2019, based on the number of hours I was working at General Mills, and the corresponding increase in my income, my income temporarily exceeded the BadgerCare

income limit. Accordingly, I was informed by my Medicaid HMO that as of February 28, 2019, my BadgerCare coverage would be terminated.

5. At the end of March, my temporary position at General Mills ended.

6. Since then, I have only worked a total of 4 days, for an average of approximately 9 hours each day, and earned an average of \$9.50 per hour. Based on this decrease in my work, and my corresponding decrease in income, I expect to be eligible again for BadgerCare based on my expected total income in April.

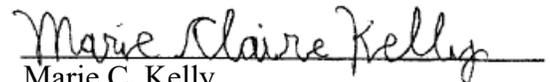
7. After consulting with a health care attorney, it is my understanding that if I fall below the Medicaid income cap based on this month's income, I can reapply for BadgerCare immediately in early May and that, if my April income falls below the BadgerCare income limits, that the effective date of my Wisconsin Medicaid coverage would be retroactive to April 1, 2019.

8. On March 29, 2019, I also submitted an application for Wisconsin's disability-based Medicaid with the assistance of a health care attorney. While it is my understanding that the application process may take a couple months, I understand from my health care attorney that if my application is approved, the effective date of my coverage would be retroactive and begin on March 1, 2019. Accordingly, if I my application is approved, I would not have a gap in my Medicaid coverage.

9. If my Wisconsin Medicaid coverage is restored, based on my typical monthly income, I expect to remain income-eligible for Medicaid for the foreseeable future even if my application for disability-based Medicaid is denied.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 22nd day of April, 2019.

  
Marie C. Kelly