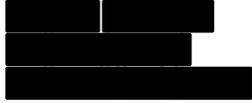




STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MGE/170859

PRELIMINARY RECITALS

Pursuant to a petition filed December 18, 2015, under Wis. Stat., §49.45(5), to review a decision by the Dane County Dept. of Human Services to discontinue Medical Assistance (MA), a hearing was held on January 20, 2016, by telephone.

The issue for determination is whether the county correctly closed MA after petitioner began to receive unemployment compensation (UC).

PARTIES IN INTEREST:

Petitioner:



;

Respondent:

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

By: 
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 # ) is a resident of Dane County.
2. Petitioner is disabled; she receives \$798 monthly social security. She was eligible for MA in 2015 because her income was below the monthly income limit of \$816.78.
3. Petitioner began to receive \$289 weekly UC in November, 2015. The system budgeted the UC effective January 1, 2016.

4. By a notice dated December 14, 2015, the county informed petitioner that MA would end January 1, 2016 because income was over the limit. Benefits were continued pending this decision.

DISCUSSION

For MA all income is counted unless specifically disregarded or exempt. Wis. Admin. Code, §DHS 103.04. Both social security and UC are counted income sources. MA Handbook, §§15.4.10 and 15.4.3. The income limit for a disabled person is \$572.45 plus actual shelter costs up to \$244.33, meaning that for petitioner the limit is \$816.78. Handbook, §39.4.1.

Before petitioner received UC her social security was below the limit. With the addition of the UC her monthly income rose to well above the limit.

When a person's income is over the MA limit, an MA deductible, also known as a spend-down, must be met before eligibility begins. Wis. Stat., §49.47(4)(c)2; Wis. Adm. Code, §DHS 103.08(2)(a); MA Handbook, App. 24.2. The current income limit for a one-person household is \$591.67. MA Handbook, App. 39.4.1. The deductible is determined by subtracting the MA limit from the person's net income, and then multiplying the result by six.

The county correctly sought to close petitioner's MA because her income rose above the limit. Petitioner could meet a deductible by incurring medical costs up to the deductible amount. That likely will not be necessary because petitioner reports that the UC is expected to end in late February. If it ends petitioner should report the change.

Petitioner asked about the MAPP program. The MAPP program allows disabled individuals to work but to retain eligibility for MA. Wis. Stat., §49.472; MA Handbook, Appendix 26.1. If net income is below 250% of the federal poverty level, the person is eligible for the program. Wis. Admin. Code, §DHS 103.03(8)(b); Handbook, App. 26.4.2. 250% of the poverty level is \$2,452.08. Handbook, App. 39.5. Petitioner's income is below that level.

If gross income is above 150% of the federal poverty level, the person is required to pay a monthly premium to receive MAPP benefits. Wis. Admin. Code, §DHS 103.087(1)(b); MA Handbook, App. 26.5.1. 150% of the poverty level for one person is \$1,471.25. Handbook, App. 39.5.

Right now petitioner would not be eligible for MAPP because she is not working.

CONCLUSIONS OF LAW

The county correctly closed MA because petitioner's income rose above the MA limit.

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, 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, Madison, Wisconsin 53703, **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 22nd day of January, 2016

\sBrian 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
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on January 22, 2016.

Dane County Department of Human Services
Division of Health Care Access and Accountability