



**STATE OF WISCONSIN  
Division of Hearings and Appeals**

In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MQB/171833

**PRELIMINARY RECITALS**

Pursuant to a petition filed February 01, 2016, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on February 25, 2016, at Milwaukee, Wisconsin.

There is no issue for determination by the Division of Hearings and Appeals at this time.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED] |  
[REDACTED] |  
[REDACTED]

Respondent:

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

By: [REDACTED], HSPC, Sr.  
Milwaukee Enrollment Services  
1220 W. Vliet St., Room 106  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Mayumi M. Ishii  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.

2. On November 24, 2015, Milwaukee Enrollment Services (the agency) sent the Petitioner a notice indicating that as of January 1, 2016, she would no longer receive Medicare Premium Assistance benefits. (Exhibit 4, pgs. 20-24)
3. On January 19, 2015, the agency sent the Petitioner a notice indicating that as of January 1, 2016, she was eligible for the SLMB+ Medicare Premium Assistance program. (Exhibit 2, pg. 9; Exhibit 5)
4. Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on February 1, 2016. (Exhibit 1)

### DISCUSSION

Medicare is the health insurance program administered by the *federal* Centers for Medicare & Medicaid Services (CMS) for people over 65 and for certain younger disabled people. Medicare is divided into two types of health coverage. Hospitalization Insurance (Part A) pays hospital bills and certain skilled nursing facility expenses. Medical Insurance (Part B) pays doctors' bills and certain other charges. *Medicaid Eligibility Handbook (MEH)*, § 32.1.

As Medicare is an insurance program, it charges premiums. *Wisconsin* Medicaid pays some or all of the Medicare premiums for those who qualify (Medicare beneficiaries). There are four types of Medicare beneficiaries and benefits differ from category to category:

1. Qualified Medicare Beneficiary (QMB),

This pays Medicare Part A and B premiums and Medicare deductibles;

2. Specified Low-Income Medicare Beneficiary (SLMB),

This pays for Medicare Part B premiums;

3. Specified Low-Income Medicare Beneficiary Plus (SLMB+) a/k/a Qualifying Individuals – 1 (QI-1),

This pays for Medicare Part B premiums;

4. Qualified Disabled and Working Individuals (QDWI).

This pays for Medicare Part A premiums.

*MEH*, §§ 32.1.1 and 32.1.3

The Petitioner filed an appeal because she was told that she was not eligible for Medicare Premium Assistance. However, as of the date of hearing, the Petitioner was open for SLMB+ premium assistance. Because the Petitioner was deemed eligible for SLMB+ premium assistance, her appeal became moot. Consequently, the appeal must be dismissed.

I note however, that per *Medicaid Eligibility Handbook (MEH)*, § 32.4.1, a person must be deemed ineligible for other medical assistance, including Community Waivers in order to qualify for SLMB+ benefits. At the time of hearing, the Petitioner was enrolled in Family Care, a

community waivers program. As such, the agency might discontinue her SLMB+ benefits in the future. If that happens, the Petitioner can file a NEW appeal at that time.

For Petitioner's future reference, I include below, the income limits for the various programs:

The QMB income limit is 100% of the Federal Poverty Limit (FPL), which is currently:

\$980.83 for one person  
\$1327.50 for a household of two

The income limit for the SLMB program is at least 100% of FPL, but less than 120% of FPL, which is currently:

\$980.83 to \$1177.00 per month, for one person,  
\$1327.50 to \$1593.00 for a household of two people

The income limit for SLMB+ is at least 120% of FPL but less than 135% of FPL, which is currently:

\$1177.00 to \$1324.13 per month for one person  
\$1593.00 and \$1792.13 for a household of two people

The QDWI program does not appear applicable to Petitioner, because there is no indication she is required to pay Medicare Part A premiums, which is the only thing QDWI pays for.

### **CONCLUSIONS OF LAW**

There was no issue for resolution by the Division of Hearings and Appeals.

**THEREFORE, it is ORDERED**

That the petition 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, 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  
Milwaukee, Wisconsin, this 31st day of  
March, 2016

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\sMayumi M. Ishii  
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](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on March 31, 2016.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability