



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]

DECISION

MGE/142824

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 07, 2012, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on September 11, 2012, at Milwaukee, Wisconsin.

The issue for determination is whether Milwaukee Enrollment Services has properly determined petitioner's Medicare Premium Assistance deductible for health care coverage.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703  
By: Belinda Bridges

**ADMINISTRATIVE LAW JUDGE:**

Peter McCombs (telephonically)  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On June 1, 2012, petitioner verified a rent increase with respondent. Exhibit 3.
3. On July 20, 2012, petitioner's utilities deduction was incorrectly deleted, which led to a decrease in petitioner's shelter cost allowance, thus lowering her adjusted income. Exhibit 3. On July 23, respondent sent petitioner notice that her Medicaid benefits would end as of September 1, 2012, due to her counted income exceeding the program limit. Exhibit 2.

4. On July 24, 2012, petitioner appealed the determination to terminate her enrollment in the Medicaid program. Exhibit 1.
5. On July 26, 2012, respondent notified petitioner that she could receive health care benefits by paying a deductible in the amount of \$871.98, for the time period July 1, 2012, through December 31, 2012. Exhibit 6. Petitioner has received Medicare Premium Assistance (QMB) for approximately two years.
6. Respondent reviewed the matter, and confirmed on August 3, 2012, that petitioner had utility expenses. Respondent updated petitioner's records, and her Medicaid eligibility was reestablished without a break in benefits. Exhibit 3.
7. On or about August 7, 2012, petitioner appealed the deductible determination announced in the July 26, 2012, notice from the respondent.

### **DISCUSSION**

Prior to hearing, the respondent reviewed this matter, and determined that it had incorrectly deleted certain information regarding petitioner's payment of utility costs. This error caused a change to the calculation of petitioner's counted income, and ultimately resulted in a recalculation of the petitioner's deductible under the QMB program. Prior to the imposition of the newly determined deductible, respondent confirmed the error and corrected it. As a result, petitioner's QMB benefits were not altered. At hearing respondent confirmed that petitioner's benefits will remain the same until and unless there is a change in petitioner's eligibility status.

### **CONCLUSIONS OF LAW**

The respondent's admitted error in deleting petitioner's utility payment information has been corrected, and petitioner's QMB benefits were not altered.

**THEREFORE, it is**

**ORDERED**

That the petition is hereby dismissed.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Madison,  
Wisconsin, this 5th day of October, 2012

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Peter McCombs  
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 October 5, 2012.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability