



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

MGE/142895

PRELIMINARY RECITALS

Pursuant to a petition filed July 31, 2012, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Douglas County Department of Human Services in regard to Medical Assistance, a hearing was held on September 18, 2012, at Superior, Wisconsin.

The issue for determination is whether the county agency correctly determined that the petitioner's income exceeds the program's limit.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Kevin Giersdorf

Douglas County Department of Human Services
1316 North 14th Street
Superior, WI 54880

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Douglas County.
2. The petitioner lives with her husband. Both are disabled.

3. The petitioner receives \$1,212 and her husband receives \$1,087 from social security disability payments each month.
4. The county agency determined that the petitioner is ineligible for medical assistance because her household income exceeds the program's limit.

DISCUSSION

A person is considered categorically needy for medical assistance if she meets all the conditions, whether financial or non-financial, necessary to be eligible for SSI. Wis. Admin. Code § DHS 101.03(23). Financial conditions relate to matters such as income and assets; non-financial conditions relate to matters such as age, pregnancy, or disability. A person is medically needy if she meets only the non-financial conditions. Wis. Admin. Code § DHS 101.03(97). If a person is medically needy she must pay a deductible if her income exceeds that allowed for medical assistance. See Wis. Stats. § 49.47(4)(c) 2; Wis. Admin. Code § DHS 103.08(2)(a). The income limit, \$591.67 for a one or two-person unit, is determined by a complex formula found in Wis. Stat. § 49.47(c)(1). The amount of the deductible is determined for a six-month period, and must be paid toward medical expenses before the person becomes eligible for any medical assistance benefits. Wis. Admin. Code § DHS 103.08(2)(c). Net income is determined after deducting amounts found in 42 USC 1382a(b). These include the first \$20 of unearned income. The petitioner and her husband each receive over \$1,000 per month in social security, putting her household income well above the medical assistance limit. As a result, although she is medically needy as a result of being disabled, the county agency correctly determined that she is ineligible for the program until she meets a deductible.

CONCLUSIONS OF LAW

The petitioner is ineligible for medical assistance because her income exceeds the program's limit.

THEREFORE, it is

ORDERED

The petitioner's appeal is 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, Room 651, 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 28th day of September, 2012

Michael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals

c: Douglas County Department of Human Services - email
Department of Health Services - email



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on September 28, 2012.

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