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[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

MGE/142977

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 08, 2012, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Fond Du Lac County Department of Social Services in regard to Medical Assistance, a hearing was held on September 17, 2012, at Fond Du Lac, Wisconsin.

The issue for determination is whether the Department erred in refusing to apply certain medical bills to petitioner's deductible.

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: Molly Aird

Fond Du Lac County Department of Social Services  
87 Vincent Street  
Fond Du Lac, WI 54935-4595

**ADMINISTRATIVE LAW JUDGE:**

Peter McCombs  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Fond Du Lac County.
2. The petitioner and his wife are both disabled. Petitioner's wife has pension/retirement income of \$99.41 per month, and Social Security Income of \$1,323.00 each month. Exhibit G.

3. Following his Medicaid renewal conducted on July 17, 2012, the Department determined that it was unable to apply certain medical bills supplied by the petitioner to petitioner's deductible, as certain bills lacked dates of service, lacked a current amount due and owing, or were previously submitted an applied to a previous deductible. See, Exhibit A.

### DISCUSSION

Medical Assistance (MA) is a state-federal program designed to pay for medical coverage for low income persons. To qualify for MA, a person must be both nonfinancially and financially eligible. There is no dispute that the petitioner is nonfinancially eligible (*e.g.*, disabled). To be financially eligible, a person must have assets that are under the program's asset limit, and income that is under the appropriate income limit. Where, as it appeared here, the recipient's income is over the income limit, an MA deductible must be satisfied before MA eligibility begins. Wis. Stat. §49.47(4)(c); Wis. Admin. Code § DHS 103.08(2); *MA Eligibility Handbook (MEH)*, Appendix 24.1, at <http://www.emhandbooks.wi.gov/meh-ebd/>. MA deductibles are calculated for six-month periods. To calculate the deductible, the "medically needy" income amount is subtracted from the household's income (less a \$20 unearned income disregard), and the remainder is multiplied by six. Because the petitioner's household income was over the limit pursuant to *MEH*, 39.4, the agency correctly determined that he must satisfy a deductible before his MA coverage could be accessed.

The petitioner does not contest the amounts of Social Security Disability income used by the agency. Rather, he explained that he and his wife have a very hard time getting by, financially, under their current combination of benefits. While I certainly empathize with their situation, I do not have any authority to waive the income limits that apply here. Nor can I find any fault with the Department's decision to exclude certain repetitive or improper medical bills.

The Department presented a well-prepared case, including testimony and numerous exhibits, demonstrating that, while petitioner had provided numerous medical billing items, many of them were unusable because they were (1) lacking in dates of service, (2) lacking a specified current amount due and owing, and/or (3) had been previously applied to a prior deductible, and thus could not be applied to petitioner's present deductible. See, *MEH* §§ 20.3.6 and 24.7.2. Petitioner did not provide any testimony or documentation substantially countering the Department's position.

### CONCLUSIONS OF LAW

The Department correctly determined that certain medical bills supplied by petitioner, but (1) lacking dates of service, (2) lacking current amount due and owing, and/or (3) having been previously applied to a prior deductible, could not be applied to petitioner's present deductible.

**THEREFORE, it is**

**ORDERED**

That the petition 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 1st day of October, 2012

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Peter McCombs  
Administrative Law Judge  
Division of Hearings and Appeals

c: Fond Du Lac County Department of Social 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 October 1, 2012.

Fond Du Lac County Department of Social Services  
Division of Health Care Access and Accountability