



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]

INTERIM DECISION

MAP/144002

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 24, 2012, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Dane County Department of Human Services in regard to Medical Assistance – Medicaid Purchase Plan (MAPP), a telephone hearing was scheduled for November 2, 2012. Following petitioner's request for an adjournment, a telephone hearing was held on November 26, 2012.

The issue for determination is whether petitioner is over the income eligibility for MAPP.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Petitioner's Representative:

Attorney Linda Harfst  
122 W Washington Ave Suite 900  
Madison, WI 53703

Respondent:

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

By: Kara Ponti

Dane County Department of Human Services  
1819 Aberg Avenue  
Suite D  
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Peter McCombs  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. Due to an apparent agency error, respondent asserts that petitioner had been approved for MAPP benefits erroneously.
3. Insufficient information has been provided to respondent to allow for an appropriate defense of respondent's denial at the time of hearing .

**DISCUSSION**

The petitioner receives benefits under the Medicaid Purchase Plan, which allows disabled persons to work and receive medical assistance if their income falls below 250% of the federal poverty level after excluding those amounts found in 42 USC 1382a (b). Wis. Stat. § 49.472(3)(a). Those whose income exceeds 150% of the federal poverty level, whether earned or unearned, must pay a premium. Wis. Stat. § 49.472(4)(b). That premium is 3½% of all earned income, but 100% of unearned income remaining after deducting \$20 plus an amount equal to state and federal SSI payments, which is \$777. Wis. Stat. § 49.472(4)(a)1; *Medicaid Eligibility Handbook*, § 39.4.2.

Kara Ponti, testifying for the respondent, indicated that after being newly assigned to Ms. [REDACTED] existing case, she reviewed the matter in its entirety. She found that certain employment income had not been included in Ms. [REDACTED]'s budget and verifications of Ms. [REDACTED]'s impairment-related work expenses (IRWE's) had not been received. As a result, it was determined that Ms. [REDACTED] exceeded the income limit for participation in the MAPP program.

Ms. [REDACTED]'s counsel attempted to obtain information regarding the IRWE deduction rejections and specifically the basis for said objections from the respondent. Nothing was received. In light of the lack of information provided to the petitioner, I am issuing an interim decision ordering the respondent to provide petitioner's counsel with a copy of its file pertaining to Ms. [REDACTED]'s MAPP denial. By letter dated December 3, 2012, petitioner's counsel confirmed that it had retrieved documents from the respondent. Counsel also referenced a pending disability determination, and indicated that Ms. Ponti would be providing further information in that regard. Petitioner shall advise my office and Ms. Ponti of her position regarding further proceedings in this matter no later than December 20, 2012. If I have not received said information, I will proceed to issue a final order based upon the information presently in the record. Petitioner may fax her submission to 608-264-9885.

**NOW, THEREFORE, it is**

**ORDERED**

Respondent is ordered to provide petitioner with a copy of its file concerning petitioner's MAPP denial no later than December 6, 2012. While it appears that this has properly transpired, petitioner's counsel made no representation in its correspondence of December 3, 2012, that the file received was complete. Petitioner shall advise my office and Ms. Ponti of her position regarding her position as to further proceedings in this matter no later than December 20, 2012; i.e. whether or not petitioner seeks to pursue further hearing on this appeal. If I have not received said information by 5:00 p.m. on December 20, 2012, I will proceed to issue a final decision and order based upon the information presently in the record. Petitioner may fax her submission to 608-264-9885. It is further ordered that, in accord with the Appeal Notice of September 26, 2012, petitioner's MAPP benefits shall remain restored until such time as this office issues a **Final** Fair Hearing Decision and Order.

**REQUEST FOR A NEW HEARING/APPEAL TO COURT**

This is an interim and not a final fair hearing decision. Thus, there are no appeal rights at this time.

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

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\sPeter 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 December 5, 2012.

Dane County Department of Human Services  
Division of Health Care Access and Accountability  
[harfst@cwpb.com](mailto:harfst@cwpb.com)