



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

MAP/144060

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 Medicaid Purchase Plan (MAPP), a hearing was held on November 02, 2012, at Madison, Wisconsin.

The issue for determination is whether the county agency correctly discontinued the petitioner's MAPP benefits effective October 1, 2012, due to failure to verify assets and petitioner's reported unemployment.

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: Eric Deml

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. Petitioner received medical assistance benefits through the MAPP program. In August of 2012, petitioner submitted his renewal information, indicating that he was no longer employed. Exhibit 2.
3. At the time of the processing of the renewal, respondent found that Social Security payments were being directly deposited to an account held by petitioner; respondent noted that petitioner had no assets listed on his case. Exhibit 2.
4. A Notice of Proof Needed was sent to petitioner on August 22, 2012. The Notice requested a copy of his checking account statement, and specified a due date of September 4, 2012. It also informed petitioner that:

If you want Medicaid to continue under the MAPP program, you have to meet the employment requirement of 1 hour worth of work every month. If you do not verify, your MA will end and will have to meet a deductible every six months to maintain coverage.

Exhibit 3.

5. On September 5, 2012, petitioner provided respondent with a business card from Associated Bank, but did not otherwise verify an account and/or account balance.

DISCUSSION

The MAPP program allows disabled individuals to work but to retain eligibility for Medical Assistance (MA). Wis. Stat., §49.472; *Medicaid Eligibility Handbook*, § 5.12.1. If net income is below 250% of the federal poverty level, the person is eligible for the program. Wis. Adm. Code, § DHS 103.04(8)(b); *Medicaid Eligibility Handbook*, § 5.12.4.2. To be eligible for the program, however, the person must be working. Adm. Code, § DHS 103.03(1)(g)1.a. The employment can be minimal, but there must be some sort of work activity for which the person receives some sort of value.

Additionally, as part of the MA process, the county agency may ask the applicant to verify income or assets. When a recipient does not supply appropriately requested verification, the failure to supply such verification can be a legitimate basis for termination of the case. The Medicaid Eligibility Handbook directs as follows:

20.3.5 Assets

Verification of assets is mandatory for members requesting the following Medicaid subprograms:

1. EBD (categorically and medically needy).
2. EBD Special Status (503, Disabled Adult Child, Widow/widowers).
3. Medicaid Purchase Plan (MAPP).
4. Institutional Medicaid.
5. Community Waivers, including PACE and Partnership.
6. Family Care.
7. Medicare Premium Assistance Programs.

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20.8.3 Negative Actions

Deny or reduce benefits when all of the following are true:

1. The member has the power to produce the verification.
2. The time allowed to produce the verification has passed.
3. The member has been given adequate notice of the verification required.
4. You need the requested verification to determine current eligibility. Do not deny current eligibility because a member does not verify some past circumstance not affecting current eligibility.

MA Handbook, §20.3.5 & 20.8.3, seen online at <http://www.emhandbooks.wi.gov/meh-ebd/>.

The county agency acted correctly in initially granting petitioner MAPP benefits as petitioner was previously employed. Subsequently, on or about August 16, 2012, petitioner reported that he was no longer working. See, Exhibit 2. Absent employment, petitioner is not eligible to participate in the MAPP program.

On August 22, 2012, respondent sent petitioner a Notice of Proof Needed, requesting that petitioner verify his assets by September 4, 2012. Specifically, the respondent was seeking verification of petitioner's checking account. This information was not received and petitioner concedes receipt of the Notice. As a result, respondent sent petitioner a notice indicating that his MAPP benefits would terminate due to his failure to verify his assets.

Petitioner does not deny that he has not provided a checking account statement or other such asset verification to the respondent. Based on the foregoing, and since petitioner is not working, I conclude that petitioner's MAPP benefits were properly terminated by the county agency effective October 1, 2012.

CONCLUSIONS OF LAW

1. Petitioner failed to verify his assets in a timely fashion, pursuant to a Notice of Proof Needed.
2. Petitioner is ineligible for MAPP because he is not employed.

NOW, THEREFORE, it is

ORDERED

That the petition for review herein be and the same 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 served and 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 3rd day of December, 2012

\sPeter McCombs
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

David H. Schwarz
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on December 3, 2012.

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