



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

MQB/146284

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**PRELIMINARY RECITALS**

Pursuant to a petition filed December 29, 2012, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Rock County Department of Social Services in regard to Medical Assistance (MA), a hearing was held on February 6, 2013, at Janesville, Wisconsin.

The issue for determination is whether the county agency correctly discontinued the petitioner's Medicare Premium Assistance/QMB benefit effective January 1, 2013.

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: Sheila LaDou, ES Spec.  
Rock County Department of Social Services  
1900 Center Avenue  
PO Box 1649  
Janesville, WI 53546

**ADMINISTRATIVE LAW JUDGE:**

Nancy J. Gagnon (telephonically)  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County.
2. The petitioner had an ongoing QMB case prior to January 2013, as a household of two persons (self and wife). His spouse reported a change in employment in early December 2012 from [REDACTED]

to [REDACTED]. The agency then requested wage verification from [REDACTED]. [REDACTED] submitted a verification form, which declared that the spouse works “as needed” at \$10.50 per hour. Because the number of hours worked was so vaguely described by the employer, the agency relied on the three weekly paystubs provided by the household (November 16, 23 and 30, 2012). The wages shown averaged \$201.29 weekly, which is then multiplied by 4 weeks per month (per MA regulation), to arrive at monthly gross income of \$805.16. Also, the household receives Social Security and a small pension income that total \$1,127.69. All of these amounts total \$1,932.85.

3. On December 17, 2012, the Department issued written notice to the petitioner advising that his QMB/Medicare Premium Assistance would be discontinued effective January 1, 2013. The basis for discontinuance was increased earned income. Exhibit 1. The petitioner timely appealed.
4. At hearing, the petitioner reported that his wife’s hours had decreased, lowering their income. The petitioner was encouraged to verify the lower income with paystubs, which may in turn cause the agency to reopen the QMB in future months. (They had no paystubs at hearing.)

### DISCUSSION

*Medicare* is the health insurance program administered by the federal Centers for Medicare & Medicaid Services (CMS) for people over 65 and for certain younger disabled people. Medicare is divided into two types of health coverage. Hospitalization Insurance ( Part A ) pays hospital bills and certain skilled nursing facility expenses. Medical Insurance ( Part B ) pays doctors' bills and certain other charges.

Medicare is an insurance program that charges premiums. Wisconsin *Medical Assistance* (MA) pays some or all Medicare premiums for eligible persons through the subprograms described below:

1. Qualified Medicare Beneficiary (QMB ).
2. Specified Low-Income Medicare Beneficiary (SLMB ).
3. Specified Low-Income Medicare Beneficiary Plus ( **SLMB+** ), also known as Qualifying Individuals – 1 ( QI-1 ).
4. Qualified Disabled and Working Individuals ( QDWI ).

*MA Eligibility Handbook (MEH)*, 32.1.1, online at <http://www.emhandbooks.wisconsin.gov/meh-ebd/meh.htm>. QMB pays for Medicare Part A and B premiums, SLMB and SLMB+ pay Medicare Part B premiums, and QDWI pays Part A premiums. *Id.*, §32.1.3. Subprograms 1 through 4 are collectively referred to as Medicare Premium Assistance programs.

The income limit for QMB is up to 100% of the federal poverty level. For SLMB the limit is from 100% to 119%, and for SLMB+ it is 120% to 134% of the federal poverty level. *MEH*, 32.2 – 32.5. Gross income is used in income testing. *MEH*, 15.1.5 & 32.1.1.

In 2013, 100% of the federal poverty level for two persons is \$1,269.83, 120% is \$1,513.00, and 135% is \$1,702.13. *Id.*, 39.5. Because the petitioner’s income exceeds the SLMB+ amount, the agency declined to provide him with the SLMB+ form of Medicare Premium Assistance. Thus, the agency acted correctly here.

### CONCLUSIONS OF LAW

1. The county agency correctly determined that the petitioner was not eligible for Medicare Premium Assistance effective January 1, 2013, due to excess income.

**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 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 11th day of February, 2013

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\sNancy J. Gagnon  
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 February 11, 2013.

Rock County Department of Social Services  
Division of Health Care Access and Accountability