



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MAP/147217

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**PRELIMINARY RECITALS**

Pursuant to a petition filed February 11, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Wood County Human Services - WI Rapids ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on February 26, 2013.

The issue for determination is whether it was correct to deny petitioner's application for the MA Purchase Plan ["MAPP"].

There appeared at that time via telephone the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: Beulah Garcia, Resolution Coordinator, Northern Consortia  
Wood County Human Services - WI Rapids  
320 West Grand Avenue  
PO Box 8095  
Wisconsin Rapids, WI 54495-8095

**OTHER PERSON PRESENT:**

[REDACTED] [REDACTED], petitioner's girlfriend

**ADMINISTRATIVE LAW JUDGE:**

Sean P. Maloney  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]; age 56 years) is a resident of Price County.

2. Petitioner applied with the County for MAPP; the County denied petitioner's application for MAPP by an *About Your Benefits* letter notice dated January 3, 2013 because it determined that petitioner was over the \$15,000 MAPP asset limit.
3. Petitioner has countable assets of approximately \$60,000.

### **DISCUSSION**

The MAPP asset limit is \$15,000.00. Wis. Stat. § 49.472(3)(b) (2011-12); see also, Wis. Admin. Code § DHS 103.04(8)(c) (December 2008) & *Medicaid Eligibility Handbook* ["MEH"] 26.4.1. Petitioner does not dispute that he is over the \$15,000 MAPP asset limit. Therefore, it was correct to deny petitioner's application for MAPP.

Petitioner argues that the money he has is his lifetime savings, that he has nothing to fall back on, that he is unable to work much due to his poor hearing, and that he needs MAPP so that he can get a cochlear implant to restore his hearing. Petitioner's circumstances are most sympathetic -- but, unfortunately, the law does not allow any exceptions for circumstances such as petitioner's.

### **CONCLUSIONS OF LAW**

For the reasons discussed above, it was correct to deny petitioner's application for MAPP.

**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 16th day of April, 2013

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\sSean P. Maloney  
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 April 16, 2013.

Wood County Human Services - WI Rapids  
Division of Health Care Access and Accountability