



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MGE/149488

PRELIMINARY RECITALS

Pursuant to a petition filed May 16, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Crawford County Department of Human Services ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on June 19, 2013. The Hearing for this matter was held at the same time as the Hearing for the following 2 closely related matters concerning the same petitioner: FCP-148946 & FOO-149489.

The issue for determination is whether petitioner may be granted MA without an MA deductible.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Roby Fuller, ES Supervisor
Crawford County Department of Human Services
225 N Beaumont Rd., Suite 326
Prairie Du Chien, WI 53821

OTHER PERSONS PRESENT:

- Redacted County Family Care Supervisor
Redacted County ES Advisor
Redacted Controller, Southwest Family Care Alliance ["SFCA"]
Redacted Registered Nurse ["RN"], County Care Manager
Redacted County Social Worker, Care Manager Family Care Program ["FCP"]
Redacted Member Rights Specialist, SFCA

ADMINISTRATIVE LAW JUDGE:
Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Crawford County.
2. Petitioner's MA group size is 2 persons (herself and her husband); she is not institutionalized.
3. The Social Security Administration ["SSA"] was incorrectly reporting to the State of Wisconsin that petitioner received less Social Security than she actually received; this was corrected and resulted in petitioner receiving MA with a deductible.
4. Petitioner is not eligible for MA unless she first meets an MA deductible in the amount of \$3,902.58 every 6 months.

DISCUSSION

The existence and amount of a person's MA deductible is governed by law. See, Wis. Stat § 49.47(4)(c) (2011-12); Wis. Admin. Code §§ DHS 103.04(3) & 103.08(2) (December 2008); *Medicaid Eligibility Handbook* ["MEH"] 25.4. Petitioner offers no argument to dispute that, based on her income and according to law, she has an MA deductible in the amount of \$3,902.58 every 6 months.

Petitioner testified that the amount her Social Security has never changed and is upset that she now has an MA deductible. Petitioner's feelings are understandable. SSA was incorrectly reporting that she received less Social Security than she actually received.

CONCLUSIONS OF LAW

For the reasons discussed above, petitioner may not be granted MA without an MA deductible.

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 26th day of June, 2013

\sSean P. Maloney
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

Wayne J. Wiedenhoef, Acting Administrator
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 June 26, 2013.

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