



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MGE/149870

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**PRELIMINARY RECITALS**

Pursuant to a petition filed June 06, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Burnett County Department of Social Services in regard to Medical Assistance, a hearing was held on July 23, 2013, at Siren, Wisconsin.

The issue for determination is whether the petitioner's assets exceed the medical assistance limit.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: Kris Peterson

Burnett County Department of Social Services  
7410 County Road K, #280  
Siren, WI 54872

**ADMINISTRATIVE LAW JUDGE:**

Michael D. O'Brien  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [REDACTED]) is a resident of Burnett County.
2. The petitioner applied for medical assistance on April 9, 2013, requesting assets retroactive to January 1, 2013. The county agency found her ineligible because her household assets exceeded \$3,000.
3. The petitioner lives with her husband.

4. When the agency reviewed the petitioner's eligibility, she and her husband had \$3,298.87 in a checking account and \$205.28 in a savings account.
5. The petitioner and her husband have three cars. The two less valuable cars are a 2000 Mustang valued at \$1,039 and a 1998 pickup truck valued at \$727. (Values were set at the time the agency reviewed the matter.)

### **DISCUSSION**

A person in a two-person household cannot receive medical assistance if her household's non-exempt liquid assets exceed \$3,000. Wis. Stat. § 49.47(4)(b)3m.e. The petitioner lives with her husband. The county agency denied her request for medical assistance because it determined that her assets exceeded this amount. When counting assets, the first vehicle is exempt but the value of each additional vehicle counts against the limit. Wis. Admin. Code, § DHS 103.06(2)(c)3. The agency presented evidence that she and her husband have \$3,298.87 in a checking account, \$205.28 in a savings account, and three motor vehicles, the two less valuable of which are worth a total of \$1,766. Because these assets clearly exceed \$3,000, I must uphold the decision to find her ineligible for medical assistance.

### **CONCLUSIONS OF LAW**

The petitioner is ineligible for medical assistance because she lives in a two-person household whose countable assets exceed \$3,000.

**THEREFORE, it is**

**ORDERED**

The petitioner's appeal 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 22nd day of August, 2013

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\sMichael D. O'Brien  
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 August 22, 2013.

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