



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/149966

PRELIMINARY RECITALS

Pursuant to a petition filed June 13, 2013, under Wis. Stat., §49.45(5)(a), to review a decision by the Grant County Dept. of Social Services in regard to Medical Assistance (MA), a hearing was held on August 28, 2013, by telephone. A hearing set for July 25, 2013 was rescheduled at the petitioner's request.

The issue for determination is whether the county handled petitioner's BadgerCare Plus (BC+) MA and Medicare Premium Assistance correctly after she reported her marriage.

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Michele Fishnick
Grant County Dept. of Social Services
P.O. Box 447
Lancaster, WI 53813

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Grant County.
2. Prior to February 1, 2013 petitioner received BC+ only for her son. Petitioner received MA because she received Supplemental Security Income (SSI). Her Medicare Part B premiums were paid by the state as part of her MA benefit package.

3. On January 7, 2013 petitioner reported that she was married. On January 8, 2013 the county sent petitioner a notice informing her that her son and husband were eligible for BC+ effective January 1, 2013 with no premium. Petitioner remained eligible for MA as an SSI recipient.
4. Effective February 1, 2013 the Social Security Administration ended petitioner's SSI, apparently because of how it counted her husband's assets. When that happened the county agency added petitioner to the BC+ case and all three household members became eligible for BC+ without a premium. In addition petitioner's caretaker supplement for her son ended because she no longer received SSI. Finally the state stopped paying for petitioner's Medicare premium because she no longer received SSI MA.
5. The county obtained petitioner's husband's income information. Effective April 1, 2013 petitioner and her husband were required to pay a premium to receive BC+.
6. There then were a series of reports by petitioner that her husband was laid off and then started working again. The county reacted to those reports by changing the BC+ premium status. By the time of the hearing the premiums had been sorted out.
7. Petitioner applied for Medicare Premium Assistance in late June, 2013. Petitioner became eligible for the Qualified Medicare Beneficiary program (QMB) effective August 1, 2013, which was the earliest date she could be eligible based upon her application date.

DISCUSSION

Anyone who receives SSI benefits is entitled to receive MA as "categorically needy" under Wis. Stat., §49.46(1)(a)4. Conversely, when SSI eligibility ends so does that person's entitlement to MA under the provisions of this statutory section. Petitioner remains eligible for MA under a different rule, that being BC+ because she is the caretaker of a minor child. There are two problems with the change, however. First petitioner lost her caretaker supplement, and second her Medicare Part B premiums were not paid anymore.

Petitioner filed this appeal because her BC+ was constantly changing and because she realized that her Part B premiums were not being paid. Her primary complaint was the handling of her SSI by the Social Security Administration (SSA). Unfortunately this office has no jurisdiction over the SSA. It looks like they over valued her husband's assets, but the Division of Hearings and Appeals has no way of correcting that problem.

Petitioner acknowledged that the situation with her husband's job was confusing, but it appears that in the end the county got her BC+ situation sorted out. Petitioner received conflicting notices but that was bound to happen with his job fluctuating like it did.

Petitioner main concern was that the QMB did not begin until August 1 and was not backdated. I acknowledge that petitioner was put in a difficult position because she had no way of knowing that the state would stop paying her Part B premiums when her SSI ended, but my problem is that QMB begins "on the first of the month after the month in which the individual is determined to be eligible/confirmed in CARES." MA Handbook, Appendix 32.7.1.1. CARES is the state computer system, and it did not confirm petitioner's QMB eligibility until July, 2013. Thus August was the earliest that petitioner could become eligible.

CONCLUSIONS OF LAW

The county correctly determined petitioner's BC+ and QMB eligibility after petitioner reported that she was married.

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 September, 2013

\sBrian C. Schneider
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 September 3, 2013.

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