



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MQB/150318

PRELIMINARY RECITALS

Pursuant to a petition filed June 25, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on September 05, 2013, at Milwaukee, Wisconsin.

There is no issue for determination.

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: Katherine May
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On March 1, 2013, the Petitioner completed her MA renewal. On March 4, 2013, the agency issued a request for verification of the Petitioner's assets and income, including a life insurance policy, checking account and pension/retirement income. Subsequent requests for verification were made on March 13, 2013 and March 21, 2013.

3. On March 26, 2013, the agency received verification of the Petitioner's life insurance policies, a bank statement and a pension statement. The cash surrender value of the Petitioner's life insurance policies are \$4,021.02 and \$6,356.25. The bank statement indicates an account of \$1,139.99.
4. On March 27, 2013, the agency denied the Petitioner's eligibility for Medicare Premium Assistance because she is over the asset limit.
5. On June 11, 2013, the Petitioner re-applied for Medicare Premium Assistance. On June 12, 2013, the agency denied the Petitioner's application because she is over the asset limit.
6. On June 25, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

At the hearing, the Petitioner testified that she does not dispute the calculation of her assets and that she is over the asset limit for Medicare Premium Assistance. She requested information regarding the proper transfer of her assets to a funeral trust. It was explained that once she has transferred assets, she can re-apply and a new determination will be made at that time.

CONCLUSIONS OF LAW

There is no issue for determination.

THEREFORE, it is

ORDERED

That the petition be, and hereby 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 Milwaukee,
Wisconsin, this 11th day of October, 2013

\sDebra Bursinger
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 October 11, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability