



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MGE/152096

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 10, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Dane County Department of Human Services in regard to Medical Assistance, a hearing was held on October 16, 2013, at Madison, Wisconsin.

The issue for determination is whether the county agency correctly discontinued the petitioner's Medicaid effective August 1, 2013, due to income above the MA income eligibility limits and correctly established an MA deductible.

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, Room 651  
Madison, Wisconsin 53703

By: Maggie Zimmerman, ESS

Dane County Department of Human Services  
1819 Aberg Avenue  
Suite D  
Madison, WI 53704-6343

**ADMINISTRATIVE LAW JUDGE:**

Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a 59 year old resident of Dane County.
2. The petitioner received Medicaid (MA) benefits.

3. The petitioner's SSDI increased from \$808 to \$876 as of August 1, 2013. See Exhibit 1.
4. The county agency sent a July 1, 2013 Notice of Decision to the petitioner stating that his MA would discontinue effective August 1, 2013 due to income above the MA income eligibility limit. See Exhibit 2.
5. The petitioner's MA deductible is \$1,585.98 for the period of October, 2013 through March, 2014 (\$264.33 per month X 6 = \$1,585.98).
6. As of the October 16, 2013 hearing date, petitioner had not yet submitted to the county agency any of his medical or prescription bills to apply against his MA deductible for the period from October 1, 2013 through March, 2014.

### **DISCUSSION**

The county agency representative presented testimony and evidence to establish that it correctly discontinued petitioner's MA effective August 1, 2013, due to income above the MA eligibility limits. When a household's income is over the MA limit, an MA deductible, also known as a spend-down, must be met before eligibility begins. Wis. Stat., §49.47(4) (c)2; Wis. Adm. Code, §DHS 103.08(2)(a); Medicaid Eligibility Handbook, App. 24.0 – 24.5. The current income limit for a one-person household is \$591.67. Medicaid Eligibility Handbook, App. 24.5.

An MA deductible is calculated for a six-month period. When that period ends, a new deductible is then established for the next six months. Adm. Code, §DHS 103.08(2)(c); Medicaid Eligibility Handbook, App. 24.5. To obtain MA during the deductible period, the client must submit to the economic support worker copies of medical bills incurred. MA eligibility begins as of the date that the incurred bills meet the deductible amount. In the instant case, the petitioner's household's net income as of August, 2013 was \$856 (\$876.00 - \$20 disregard), which is \$264.33 above the two person income limit of \$591.67. That six-month period created a total six-month MA deductible of \$1,585.98.

During the October 16, 2013 hearing, petitioner did not contest that the county agency correctly determined that his household income was above the MA eligibility limits for a household of one. The petitioner also was unable to refute that his accurate six month deductible was \$1,585.98 for the period from October 1, 2013 through March, 2014. However, petitioner explained that he very much needed his MA certification, and felt that the discontinuance of his MA was unfair. The petitioner should promptly submit to the county agency copies of all of his incurred medical, prescription, and hospital bills to apply against his MA deductible. Accordingly, based upon the evidence in the hearing record, the county agency correctly discontinued the petitioner's MA effective August 1, 2013, due to excess income, and correctly established an MA deductible.

### **CONCLUSIONS OF LAW**

The county agency correctly discontinued the petitioner's MA effective August 1, 2013, due to excess income, and correctly established an MA deductible.

**THEREFORE, it is**

**ORDERED**

The petition for review herein is 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, Room 651, 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 6th day of December, 2013

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\sGary M. Wolkstein  
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 December 6, 2013.

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