



STATE OF WISCONSIN  
Division of Hearings and Appeals

In the Matter of



DECISION

MGE/157661

**PRELIMINARY RECITALS**

Pursuant to a petition filed May 12, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Racine County Department of Human Services in regard to Medical Assistance, a hearing was held on July 24, 2014, at Racine, Wisconsin.

The issue for determination is whether the agency properly determined the Petitioner's eligibility for Medicaid.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:



Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: Rhonda Kraemer

Racine County Department of Human Services  
1717 Taylor Ave  
Racine, WI 53403-2497

**ADMINISTRATIVE LAW JUDGE:**

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # ) is a resident of Racine County.
2. On March 24, 2014, the Petitioner applied for health care benefits. On March 27, 2014, the agency received requested verifications.

3. On April 4, 2014, the agency issued a Notice of Decision to the Petitioner regarding his eligibility and deductible. Shortly thereafter, the agency discovered it had incorrectly budgeted the Petitioner's income. On May 22, 2014, the agency issued a revised Notice of Decision informing the Petitioner that for the period of May 1, 2014 – October 31, 2014, he is eligible for Medicaid with a deductible of \$1,331.78.
4. Petitioner has monthly Social Security Disability income of \$850.30. He is eligible for Medicare Premium Assistance. He pays child support of \$25/month and child support arrears of \$25/month. His rent is \$500/month. He is enrolled in the [REDACTED] – [REDACTED] [REDACTED].
5. On June 26, 2014, the Petitioner filed an appeal with the Division of Hearings and Appeals.

### DISCUSSION

At the hearing, the Petitioner testified that he does not dispute the income or expenses budgeted by the agency in determining his eligibility and deductible. He indicated that he had filed the appeal for a denial of dental work that he had started during the previous certification period but that was not completed during that previous period. He testified that it could not be completed due to the schedule of the provider and the lab. Because he now has a deductible to be met before he is eligible for Medicaid, he feels he cannot complete the service that was started.

The Petitioner did bring a denial form with him which indicated that he should file an appeal with the HMO that denied the coverage. Petitioner was advised that the instant hearing concerns his eligibility and deductible and that he should follow the instructions for the denial of service in the denial letter. The agency worker stated that she would help him to contact the HMO after the hearing. I noted that if he has a right to a state fair hearing on the denial of service, he should file an appeal indicating that he wants to appeal that denial.

With regard to the current eligibility status, the Petitioner was found to be "medically needy" and eligible once the deductible is met. The current income limit for an individual who is medically needy is \$591.67. The Petitioner's income of \$850.30 with deductions for child support and a standard \$20 deduction put his net income at \$805.30. Because he is above the net income limit, he is eligible once a deductible is met. The agency had previously found the Petitioner to be "categorically needy" after incorrectly deducting child support arrears from the Petitioner's income. The regulations clearly state that child support arrears should not be deducted from income. See Medicaid Eligibility Handbook, § 15.7.2.1.1.

Based on the information provided, I conclude the agency properly determined the Petitioner's eligibility and deductible for the certification period of May 1, 2014 – October 31, 2014.

### CONCLUSIONS OF LAW

The agency properly determined the Petitioner's MA eligibility and deductible for the period of May 1, 2014 – October 31, 2014.

**THEREFORE, it is**

**ORDERED**

That 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, 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 Milwaukee,  
Wisconsin, this 28th day of July, 2014

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\sDebra Bursinger  
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 July 28, 2014.

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