



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
c/o [Redacted]
[Redacted]
[Redacted]

DECISION

MGE/159413

PRELIMINARY RECITALS

Pursuant to a petition filed July 29, 2014, under Wis. Stat., §49.45(5), to review a decision by the Manitowoc County Dept. of Human Services to deny Medical Assistance (MA), a hearing was held on September 10, 2014, by telephone.

The issue for determination is whether petitioner's assets were over the MA limit in February and March, 2014.

PARTIES IN INTEREST:

Petitioner:

[Redacted]
c/o [Redacted]
[Redacted]
[Redacted]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703
By: Lynne Belinske
Manitowoc County Dept. of Human Services
3733 Dewey Street
Manitowoc, WI 54221-1177

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) was a resident of Manitowoc County who died in May, 2014.
2. An application for MA was filed on petitioner's behalf on May 27, 2014 seeking coverage back to February 1, 2014.

3. At the end of February, 2014, petitioner's assets were \$2,013 in a savings account and \$882 in a checking account. At no time during February were assets below \$2,000.
4. In March, 2014, petitioner's assets were \$2,013 in the savings account and \$132 in the checking account. At no time during March were assets below \$2,000.
5. Assets were reduced below \$2,000 in April. By a notice dated June 13, 2014, the county informed petitioner's representative that petitioner was eligible for MA beginning April 1, 2014.

### DISCUSSION

The MA asset limit for an individual is \$2,000. Wis. Stat., §49.47(4)(b)3g. If assets are above that limit, the person is not eligible for MA. The statute does not allow for outstanding debts to be deducted from assets, nor does it provide any exceptions for unusual situations. In determining the value of a bank account in a given month, the agency does not count income received in that month. MA Handbook, Appendix 16.1.0.

In this case, even without counting the social security deposited into petitioner's account in both months, his accounts were higher than \$2,000 in both February and March, 2014. Petitioner's son argued that it is unfair to make petitioner entirely ineligible when the accounts were barely over \$2,000, but the law does not make any exceptions to the \$2,000 limit. Any amount over \$2,000 causes ineligibility.

### CONCLUSIONS OF LAW

The county correctly denied MA for February and March, 2014 because petitioner's assets were over the MA limit those two months.

**THEREFORE, it is**

**ORDERED**

That the petition for review herein be and the same is hereby dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or 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 filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 15th day of September, 2014

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\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 15, 2014.

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