



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MQB/160058

PRELIMINARY RECITALS

Pursuant to a petition filed August 20, 2014, 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 telephone hearing was held on September 23, 2014.

The issue for determination is whether the agency correctly denied Petitioner’s application for the Qualified Medicare Beneficiary (QMB) program.

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: Simone Johnson
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Corinne Balter
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner’s household size is 1.
3. Petitioner’s monthly gross income is \$1,056.

4. Petitioner's assets consist of an IRA valued at \$16,357.08, a savings account valued at \$38.68, and a checking account valued at \$2697.07. Petitioner also has a 2009 Scion, but that is not considered an asset.
5. On August 14, 2014 Petitioner applied for the Medicaid Purchase Plan (MAPP).
6. On August 14, 2014 the agency denied Petitioner's MAPP application because Petitioner's assets were over the \$15,000 asset limit and Petitioner was not working.
7. On August 22, 2014 the Division of Hearings and Appeals received Petitioner's request for fair hearing.

DISCUSSION

Medicare is the health insurance program administered by the federal Centers for Medicare & Medicaid Services (CMS) for people over 65 and for certain younger disabled people. Medicare is divided into two types of health coverage. Hospitalization Insurance (Part A) pays hospital bills and certain skilled nursing facility expenses. Medical Insurance (Part B) pays doctors' bills and certain other charges.

Medicare charges premiums for its insurance. Wisconsin MA pays some or all Medicare premiums for the persons participating in the programs described below:

1. Qualified Medicare Beneficiary (QMB).
2. Specified Low-Income Medicare Beneficiary (SLMB).
3. Specified Low-Income Medicare Beneficiary Plus (SLMB+), also known as Qualifying Individuals – 1 (QI-1).
4. Qualified Disabled and Working Individuals (QDWI).

MA Eligibility Handbook (MEH), 32.1.1 (viewable online at www.emhandbooks.wi.gov/meh-ebd/). See also, Wis. Stat. §49.468.

The income limit is set below 100% of the federal poverty level for QMB, 100% to 119% for SLMB, 120% to 134% for SLMB+, and up to 200% for QDWI. *MEH*, 32.2.3 & 39.5. A person who is eligible and certified for QMB will have his/her Medicare Part A and B premiums paid by the Wisconsin Medical Assistance program. A SLMB or SLMB+ recipient will have only his Medicare Part B premiums paid by Wisconsin MA. A QDWI recipient will have only his/her Medicare Part A premiums paid by the state MA program.

The income limit for a household of one persons is currently \$972.50 for QMB, \$1,167 for SLMB, \$1,312.88 for SLMB+, and \$1945 for QDWI. In this case Petitioner's monthly gross income is \$1,056. Therefore, Petitioner meets the income limit for the SLMB program.

The Wisconsin Medical Assistance programs have asset limits in addition to the income limits. The asset limit for QMB, SLMB, and SLMB+ is \$7,160.00 for a household size of one. *MEH*, 32.6. The asset limit for QDWI is \$4,000 for a household of one. *Id.*

In this case, Petitioner meets the income requirement for the SLMB program, but her assets are over the asset limit. The agency calculated Petitioner's assets to be \$19,117.04. The undersigned is certain how the agency calculated Petitioner's assets or what those assets consisted of. Nonetheless, it is undisputed that Petitioner had an IRA valued at over \$16,000 when she applied for the QMB program. An IRA is considered an asset as long as a person has access to the value of IRA. *MEH*, 16.7.21. For example, if there would be an early

withdrawal penalty the penalty amount would be subtracted from the value of the IRA, and that amount then counted as an asset. *Id.* In this case there would be no early withdrawal penalty as Petitioner receives social security retirement income. The value of the IRA alone is more than double the program asset limit of \$7,160. If at some future date Petitioner believes that her assets are less than \$7,160 Petitioner can reapply for this program.

CONCLUSIONS OF LAW

The agency correctly denied Petitioner's application for QMB benefits.

THEREFORE, it is

ORDERED

That the petition 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.

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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 3rd day of October, 2014

\sCorinne Balter
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 October 3, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability