



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MGE/160407

PRELIMINARY RECITALS

Pursuant to a petition filed September 4, 2014, under Wis. Stat., §49.45(5), to review a decision by Milwaukee Enrollment Services to discontinue Medical Assistance (MA), a hearing was held on October 1, 2014, by telephone.

The issue for determination is whether the agency correctly discontinued MA because petitioner had \$8,000 in his savings account intended to be a down payment on a home.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

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

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner received MA as a single adult. He had an annual review in August, 2014. At the review he reported a savings account with an \$8,174 balance. He explained that his mother gave him \$8,000 to be used as a down payment on a home, and to get the loan he had to have the money in his account for three months.

3. By a notice dated August 12, 2014, the agency informed petitioner that MA would end September 1, 2014 because assets were over the limit.

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.

As noted in the findings, the reason petitioner has the money is sensible. The MA statute, however, makes no allowance for a valid reason why the assets are above \$2,000. I thus must conclude that the agency action was correct. As soon as petitioner uses the money to make the down payment, or returns it to his mother, he will be eligible again (there is no divestment penalty for regular MA).

CONCLUSIONS OF LAW

The agency correctly discontinued MA because petitioner's assets were over the limit.

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 3rd day of October, 2014

\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 October 3, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability