



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redact
Redact
Redact

DECISION

MQB/161724

PRELIMINARY RECITALS

Pursuant to a petition filed November 03, 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 hearing was held on November 25, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether Milwaukee Enrollment Services (MES) correctly discontinued the petitioner's SLMB benefits effective September 1, 2014, due to income above the SLMB income eligibility limits.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

Redact
Redact
Redact

Respondent:

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

By: Redact, IM advanced
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # Redact) is a resident of Milwaukee County who resides in a household with her husband, Redact. See Exhibit 1.

2. The petitioner was eligible for MAPP benefits during the period of September 1, 2014 through November 30, 2014, and thus was ineligible for SLMB+ per Medicaid Eligibility Handbook (MEH), § 32.4.1.
3. The petitioner receives monthly Social Security Disability Income (SSDI) benefits of \$1,010.
4. Milwaukee Enrollment Services (MES) learned that petitioner's husband had earned income at Weststaff of \$225 each week as of October, 2014, and Unemployment Compensation (UC) of about \$198 each week as of October, 2014.
5. The petitioner's total household income was \$2,702 as of October, 2014. Her net household income was \$1,658.50 as of October, 2014.
6. The petitioner's net income of \$1,658.50 (\$1,678,50 - \$20) was above the SLMB income eligibility limit of \$1,573.00 (as of 2-1-2014) for a household of two.
7. MES sent an August 15, 2014 Notice of Decision to the petitioner stating that her SLMB benefits would be discontinued effective September 1, 2014, due to net income above the SLMB income eligibility limits.
8. MES sent a November 7, 2014 Notice of Decision to the petitioner stating that her SLMB benefits would be approved effective December 1, 2014, due to a reduction in household income which resulted in household income below the SLMB income eligibility limit.

### 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. Medicaid Eligibility Handbook (MEH), § 32.1.

As Medicare is an insurance program, it charges premiums. *Wisconsin* Medicaid pays some or all of their Medicare premiums for those who qualify (Medicare beneficiaries). There are four types of Medicare beneficiaries:

1. Qualified Medicare Beneficiary (QMB),
2. **Specified Low-Income Medicare Beneficiary (SLMB)**,
3. Specified Low-Income Medicare Beneficiary Plus (SLMB+) a/k/a Qualifying Individuals – 1 (QI-1), and
4. Qualified Disabled and Working Individuals (QDWI).

MEH, § 32.1.1. The category of eligibility depends on the recipient's income. Benefits also differ from category to category. MEH, § 32.1.3. In the instant case, petitioner was not eligible for SLMB+ benefits because she was eligible for MAPP benefits during the period of September 1, 2014 through November 30, 2014, and thus was ineligible for SLMB+ per MEH 32.4.1.

A person who is receiving SSI and is a MA recipient is also automatically eligible for QMB/SLMB/SLMB+ benefits, **if the applicant also meets the financial criteria**, i.e., income and asset eligibility limits. Wis. Stat. § 49.47(1)(e), MEH, §§ 32.2., 32.3, 32.4, 32.5. QMB, SLMB, SLMB+ have the same asset eligibility limit. The asset limit was \$6,940 for a household of 1 and \$10,410 for a household of 2 as of January 1, 2012, and then increased to \$7,080 for a household of 1, and \$10,620 for a household of 2 as of January 1, 2013. MEH, § 32.6. Divestment of assets has no effect on QMB, SLMB, SLMB+, or QDWI eligibility. *Id.*

The QMB/SLMB/SLMB+ net income for social security recipients is the gross social security income minus the standard deduction. MEH, § 32.3.3. The QMB income limit is 100% of the federal poverty level (FPL). MEH, § 32.3.3. The SLMB limit is at least 100% of the FPL, but less than 120%. MEH, § 32.3.2. SLMB+ income must be at least 120% of the FPL, but less than 135%. MEH § 32.4. Currently, the federal poverty levels for a household of two are \$1,310.83 (100%), **\$1,573.00 (120%)**, and \$1,769.69 (135%).

The county agency correctly discontinued the petitioner's SLMB benefits because petitioner's net income of \$1,658.50 was above the \$1,573.00 income limit for SLMB benefits. The petitioner did not contest her net income as indicated in the Findings of Fact above, but questioned whether there was some exception which might apply. Petitioner explained that she needed assistance with her Medicare premiums. In reviewing that question, applicable law and policy do not provide for any exception whereby a person remains eligible for SLMB if even a small amount above the income limits. Accordingly, Milwaukee Enrollment Services (MES) correctly discontinued the petitioner's SLMB benefits effective September 1, 2014, due to income above the SLMB income eligibility limits.

### **CONCLUSIONS OF LAW**

Milwaukee Enrollment Services (MES) correctly discontinued the petitioner's SLMB benefits effective September 1, 2014, due to income above the SLMB income eligibility limits.

**THEREFORE, it is**

**ORDERED**

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 20th day of January, 2015

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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 January 20, 2015.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability