



STATE OF WISCONSIN  
Division of Hearings and Appeals

In the Matter of



DECISION

MAP/164719

**PRELIMINARY RECITALS**

Pursuant to a petition filed March 18, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Waukesha County Health and Human Services in regard to Medical Assistance, a hearing was held on April 16, 2015, at Waukesha, Wisconsin. The record was held open post-hearing for additional information and for the agency to review the Petitioner’s disability status. The agency submitted additional information on April 16, 2015 and the Petitioner submitted additional information on April 22, 2015. The record closed on April 22, 2015.

The issue for determination is whether the agency properly determined the Petitioner is not eligible for MAPP due to income over the program limit.

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: Kathy Jones  
Waukesha County Health and Human Services  
514 Riverview Avenue  
Waukesha, WI 53188

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # ) is a resident of Waukesha County.

2. On February 9, 2015, the Petitioner submitted an application for BadgerCare Plus (BC+) benefits and Medicaid Purchase Plan (MAPP) benefits.
3. On February 10, 2015, the agency issued a Notice of Proof Needed requesting verification of the household income, child support expense and bank account information. On March 2, 2015, the Petitioner submitted the information.
4. On March 9, 2015, the agency issued a Notice of Decision informing the Petitioner that he is not eligible for BC+ or for MAPP due to income over the program limits.
5. The agency calculated net monthly household income of \$6,196.41. Gross monthly earned income consists of \$661.73 from a part-time job. Gross monthly unearned income consists of \$1,744 from Petitioner's Social Security disability, and \$4,837.04 from Petitioner's wife's pension. Deductions for earned income (\$363.36) and for exempt income (\$663 child support) plus a \$20 disregard were applied to arrive at a net monthly household income of \$6,196.41.
6. The Petitioner pays child support of \$663/month.
7. On March 18, 2015, the Petitioner filed an appeal with the Division of Hearings and Appeals.

### DISCUSSION

The Medicaid Purchase Plan (MAPP) is a sub-program of Medical Assistance that allows a disabled person to engage in some income producing work while remaining eligible for MA, at higher income and asset limits. The petitioner seeks medical assistance through the Medicaid Purchase Plan, which allows disabled working people to receive medical assistance. Wis. Stat. § 49.472(3)(a). To be eligible for MAPP, the individual's family's net income must be less than 250% of the poverty line for a family the size of the individual's family. Wis. Stats. §49.472(3)(a). "Family" is defined as "an individual, the individual's spouse and any dependent child, as defined in s. 49.141 (1) (c), of the individual." Wis. Stats. §49.472(1)(am).

In this case, the agency initially determined the Petitioner was not eligible for MAPP based on non-financial requirements, specifically it found he had not been determined to be disabled and he was not working. At the hearing, the Petitioner testified that he was found to be disabled by the Social Security Administration. He also testified that he works seasonally and had started back to work on or about April 13, 2015.

The Petitioner also testified at the hearing that he and his wife file separate tax returns. He asserts that only his income should be counted in determining his financial eligibility for the MAPP program.

Based on the evidence submitted, the Petitioner does meet the non-financial requirements for the program of being disabled and working.

Based on the evidence submitted, the Petitioner does not meet the financial requirements for the program. The statutes require the agency to calculate the family's net income to determine eligibility. "Family" includes the Petitioner, his wife and any dependent child. There is no exception for a situation in which the married couple files taxes separately.

The program limit for eligibility is 250% of the FPL for the household size. In this case, for a household of two, 250% FPL is \$3,318.75. See Medicaid Eligibility Handbook, § 39.5. The evidence establishes that the Petitioner's monthly household income exceeds 250% FPL. Though the 2014 W-2 information submitted by the Petitioner indicates that his monthly earned income might be less than that budgeted by the agency (\$5,139.92/12 months = \$428.22/month), the difference is not sufficient to make a difference in determining eligibility as the monthly net income for the household significantly exceeds the program

limit. Therefore, I conclude that the Petitioner does not meet the financial requirements and the agency properly determined the Petitioner is not eligible for MAPP.

**CONCLUSIONS OF LAW**

The agency properly determined the Petitioner is not eligible for MAPP.

**THEREFORE, it is** **ORDERED**

That the Petitioner’s appeal is 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 Milwaukee,  
Wisconsin, this 2nd day of June, 2015

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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 June 2, 2015.

Waukesha County Health and Human Services  
Division of Health Care Access and Accountability