



FH  
[REDACTED]

**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MQB/165871

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**PRELIMINARY RECITALS**

Pursuant to a petition filed May 07, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Dane County Department of Human Services in regard to Medical Assistance, a hearing was held on June 16, 2015, at Madison, Wisconsin.

The issue for determination is whether the county agency correctly denied the petitioner's March 16, 2015 application for SLMB benefits, due to income above the SLMB income eligibility limits.

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: Shaun Johnson, ESS

Dane County Department of Human Services  
1819 Aberg Avenue  
Suite D  
Madison, WI 53704-6343

**ADMINISTRATIVE LAW JUDGE:**

Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of [REDACTED] in Dane County who applied for Medical Assistance (MA) and QMB benefits on March 16, 2015 for a household of one.

2. The petitioner's monthly Social security is \$1,207.90, and her monthly pension is \$979.44 for a total monthly income of \$2,292.24. Her counted income was \$2,272.24
3. The county agency sent March 30, 2015 and April 8, 2015 Notices to the petitioner stating that her March 16, 2015 SLMB application was denied, due to household income above the SLMB income eligibility limits.
4. The petitioner's net income of \$2,272.24 (\$2,292.24 - \$20) was above the SLMB income eligibility limit of \$1,177.00 (as of 2-1-2015) for a household of one.

### 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.

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 one are \$980.83 (100%), **\$1,177.00 (120%)**, and \$1,324.13 (135%).

The county agency correctly denied the petitioner's March 16, 2015 application SLMB benefits because petitioner's net income of \$2,272.24 was significantly above the \$1,177.00 income limit for SLMB benefits (and above the income limits for SLMB+ or QMB 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 is eligible for SLMB if even a small amount above the income limits. Accordingly, the county agency

correctly denied the petitioner's March 16, 2015 application for SLMB benefits, due to income above the SLMB income eligibility limits.

### CONCLUSIONS OF LAW

The county agency correctly denied the petitioner's March 16, 2015 application for SLMB benefits, 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 24th day of July, 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 July 24, 2015.

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