



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
[Redacted]
Redact

DECISION

MAP/165994

PRELIMINARY RECITALS

Pursuant to a petition filed April 20, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Dane County Department of Human Services in regard to Medical Assistance (MAPP), a telephone hearing was held on May 14, 2015.

The issue for determination is whether the respondent correctly determined petitioner's income and MAPP eligibility.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
[Redacted]
Redact

Respondent:

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

By: Redact

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

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Dane County.

2. Petitioner was due for a Medical Assistance renewal in March of 2015. On March 31, 2015, petitioner’s renewal was processed and the respondent determined that her income warranted a MAPP premium.
3. Respondent relied upon an Employer Verification of Earnings Form (EVFE) from petitioner’s employer, **Redact**, which specified that petitioner worked between 25 and 40 hours per week, at a rate of \$11.00 per hour. Based upon that information, the respondent determined that petitioner worked an average of 32 hours per week and established a \$75.00 monthly premium.
4. Medical Assistance is not presently in place because petitioner has not paid the MAPP premium.
5. Petitioner did not average 32 hours per week while working at **Redact**, and is now unemployed.

**DISCUSSION**

The petitioner sought medical assistance through the Medicaid Purchase Plan, which allows disabled working people to receive medical assistance. Wis. Stat. § 49.472(3)(a). Eligibility depends upon the person’s family income after exclusions found in 42 USC 1382a(b) to be less than 250% of the federal poverty level. Wis. Stat. § 49.472(3)(a).

There was some initial confusion at hearing, as petitioner’s request for hearing specified that she was questioning her FoodShare benefits. Petitioner explained that she was confused, and wanted to appeal her MAPP determination, specifically her budgeted income. The respondent was prepared to address the MAPP issue, and the hearing continued as a MAPP appeal.

The respondent provided documentation establishing the basis for its income determination. Specifically, the respondent explained that petitioner’s income was determined based upon information supplied by petitioner’s employer. The petitioner countered that the information was incorrect, and stated that she never worked more than 24 hours in any week. She indicated that she did receive commissions in addition to her weekly wages.

The respondent noted that the petitioner was evaluated under MAPP guidelines because petitioner was employed; now that she is not employed, her Medical Assistance eligibility will need to be addressed anew. The respondent further noted that petitioner’s hours of employment appeared to average approximately 24 hours. As such, the record establishes that this matter will need to be remanded to the respondent to re-determine petitioner’s income and eligibility for the MAPP program while she was employed, and her general Medical Assistance eligibility for the period following the termination of her employment.

**CONCLUSIONS OF LAW**

1. Petitioner averaged 24 hours weekly while employed at **Redact**.
2. The respondent incorrectly budgeted petitioner’s income at the time that it denied petitioner’s MAPP eligibility.
3. Petitioner’s unemployment status may result in other Medical Assistance eligibility.

**THEREFORE, it is**

**ORDERED**

That this matter shall be remanded to the respondent to re-determine petitioner’s MAPP eligibility for the period that petitioner was employed, and shall determine petitioner’s eligibility for Medical Assistance

following petitioner's unemployment. All actions required by this Order shall be completed within 10 days following issuance of this decision.

### **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 July, 2015

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\sPeter McCombs  
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 3, 2015.

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