



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CTS/166067

PRELIMINARY RECITALS

Pursuant to a petition filed May 15, 2015, under Wis. Stat. § 227.42, to review a decision by the Outagamie County Department of Human Services in regard to Medical Assistance, a hearing was held on June 24, 2015, at Appleton, Wisconsin.

The issue for determination is whether the agency correctly discontinued the petitioner's caretaker supplement benefits effective June 1, 2015.

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: Vicki Schrimpf

Outagamie County Department of Human Services
401 S. Elm Street
Appleton, WI 54911-5985

ADMINISTRATIVE LAW JUDGE:

Corinne Balter

Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Outagamie County.
2. On May 11, 2015 the agency sent the petitioner a notice stating that effective June 1, 2015 her Caretaker Supplement Benefits would end.

3. Effective June 1, 2015 one of the petitioner’s children began receiving monthly social security payments.
4. The household’s monthly gross income effective June 1, 2015 is \$1,399.78 consisting of \$465.00 in social security payments for the petitioner, an additional \$358.78 in Supplement Security Income for the petitioner, and social security for one of the petitioner’s children in the amount of \$576.00. The petitioner also receives monthly child support in the amount of \$47.56. The child support is not included when computing monthly gross income for caretaker supplement benefits.
5. On May 18, 2015 the Division of Hearings and Appeals received the petitioner’s request for fair hearing.

DISCUSSION

Wisconsin implemented the Caretaker Supplement program to help SSI recipients with the financial burden of raising their children after Wisconsin Works (W2) ended AFDC payments in 1998. Wis. Stat. § 49.775. Persons on SSI could not participate in W2 because it is a work program and those on SSI, by definition, cannot work. The Caretaker Supplement program pays \$250 per month to a “custodial parent” for the support of one “dependent” child and \$150 per month for each additional “dependent” child of custodial parents who receive SSI. Wis. Stat. § 49.775(2) and (4)(a).

An applicant must first meet the non-financial eligibility requirements. The parent must be an SSI recipient. *CTS Handbook*, §3.1.4. There are additional household and residency requirements, which do not apply to this case. *CTS Handbook*, §3.1.1 – 3.1.15. In this case the petitioner meets all of the non-financial eligibility requirements.

The applicant must also meet the program’s financial eligibility requirements. There are both income and asset requirements. The petitioner meets the asset requirement, which is not at issue in this case. A three person household gross income limit in an area I county, which includes Outagamie County is \$1,197. *CTS Handbook*, §5.2.1. Gross income includes all earned and unearned income from the adults and children in the household. *CTS Handbook*, §3.2.1. The handbook specifically states “unearned income, such as social security benefits are counted.” *Id.* Child support is not counted in gross income. *CTS Handbook*, §3.2.1.1.

In this case the petitioner’s household monthly gross income is \$1,399.78 consisting of her and her child’s social security. This monthly income gross income exceeds the program’s gross income limits. The petitioner argues that removing her caretaker supplement benefits hurts her child who is not receiving social security benefits. This is a household determination. The gross income counted is available to the entire household. I further note that the petitioner was receiving \$400 per month in caretaker supplement income. Effective June 1, 2015 she will receive an additional \$576.00 in social security benefits for one of her children. Without the \$400 caretaker supplement income, she nets an additional \$176.00 in monthly gross income.

CONCLUSIONS OF LAW

The agency correctly discontinued the petitioner’s caretaker supplement payments effective June 1, 2015.

THEREFORE, it is

ORDERED

That the petition 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 29th day of June, 2015

\sCorinne Balter
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 29, 2015.

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