



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MGE/167728

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 01, 2015, 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 August 26, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether the agency properly determined that the Petitioner is not eligible for healthcare benefits.

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: Julie Salmeron

Milwaukee Enrollment Services  
1220 W Vliet St, Room 106  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On August 7, 2015, Petitioner contacted the agency to report the death of his wife on July 29, 2015.

3. On August 7, 2015, the Petitioner's case was updated. Petitioner has assets that include a whole life insurance policy with [REDACTED]. The face value is \$20,000 and the net cash value is \$5,569. The agency issued a Notice of Decision to the Petitioner informing him that he was eligible for Medicaid for the period of August 1, 2015 – January 31, 2016 only if he met a deductible of \$2,671.98. His assets of \$5,569 were determined to be over the income limit.

### DISCUSSION

Wisconsin Medicaid is a state/federal program that provides health coverage for Wisconsin residents who are elderly, blind, or disabled (EBD). Medicaid Eligibility Handbook (MEH), § 1.1.1.

The EBD fiscal group's assets must be within the appropriate asset limit before any member of that group can qualify for Medicaid. EBD fiscal groups who have assets in excess of the appropriate asset limit are ineligible for Medicaid. MEH, § 16.1.

Assets that must be counted in determining Medicaid eligibility include life insurance. Id.

The asset limit for a one person fiscal group is \$2,000. MEH, § 39.4.1.

The Petitioner's life insurance has a cash value of \$5,569. This is a countable asset. Therefore, the agency properly determined that the Petitioner is not eligible for Medicaid.

The Petitioner was advised at the hearing that burial trusts are assets that are exempt from consideration in determining eligibility. He was advised to consider transferring money from the life insurance policy into a burial trust to reduce his countable assets to under \$2,000.

### CONCLUSIONS OF LAW

The agency properly determined the Petitioner is over the asset limit and not eligible for Medicaid.

**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 24th day of September, 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 September 24, 2015.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability