



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MGE/171040

PRELIMINARY RECITALS

Pursuant to a petition filed December 31, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Wood County Human Services - WI Rapids in regard to Medical Assistance (MA), a telephone hearing was held on April 05, 2016. Hearing previously scheduled for February and March, 2016, were rescheduled at petitioner’s request.

The issue for determination is whether the respondent correctly disenrolled petitioner from Medicaid due to income exceeding program limits.

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:

Wood County Human Services - WI Rapids
220 Third Avenue South
Suite 4
Wisconsin Rapids, WI 54495

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

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

2. The petitioner had been certified for MA – EBD (elderly, blind, disabled), with budgeted gross income of \$797.00 and a shelter cost allowance of \$244.33. In late 2015, the petitioner moved in with his father, resulting in lower shelter costs and increased utility costs. The Department updated petitioner’s budget in November, 2015. See, Exhibit R-2
3. On November 30, 2015, the Department issued written notice to the petitioner advising that the Department was still budgeting gross income of \$797.00; however, his shelter cost allowance reduced to \$93.00, with the result that the petitioner’s MA would be discontinued effective January 1, 2016, due to excess income. Exhibit R-4

DISCUSSION

Medical Assistance (MA) is a state-federal program designed to pay for medical coverage for low income persons. To qualify for MA, a person must be both nonfinancially and financially eligible. There is no dispute that the petitioner is nonfinancially eligible (e.g., disabled). To be financially eligible, a person must have assets that are under the program’s asset limit, and income that is under the appropriate income limit. Where, as it appeared here, the recipient’s income is over the income limit, an MA deductible must be satisfied before MA eligibility begins. Wis. Stat. §49.47(4)(c); Wis. Admin. Code § DHS 103.08(2); MA Eligibility Handbook (MEH), Appendix 24.1, at <http://www.emhandbooks.wi.gov/meh-ebd/>. MA deductibles are calculated for six-month periods. To calculate the deductible, the “medically needy” income amount is subtracted from the household’s income (less a \$20 unearned income disregard), and the remainder is multiplied by six.

The agency correctly believed that the petitioner was in a household of one person, so it used the relevant income limits for that household size. E.g., \$572.49 for MA certification. MEH, 39.4. Because the petitioner’s income was over the limit, the agency correctly determined that he was no longer eligible. The representative’s respondent testified that petitioner must satisfy a deductible before his MA coverage can be resumed. The deductible should be approximately \$1,111.00 for six months.

The petitioner does not contest the amounts of income used by the agency. Rather, he sought assurance that his Medicaid Purchase Plan (MAPP) application was being timely processed. The respondent indicated that applications are processed in queue, and that his recently filed application had not yet appeared in her electronic records. However, as to the primary issue before me, I cannot waive the income limits that apply here.

CONCLUSIONS OF LAW

The Department correctly determined that the petitioner is no longer financially eligible for MA due to income exceeding program limits.

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 Madison,
Wisconsin, this 20th day of May, 2016

\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 May 20, 2016.

Wood County Human Services - WI Rapids
Division of Health Care Access and Accountability