



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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MQB/174163

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**PRELIMINARY RECITALS**

Pursuant to a petition filed May 9, 2016, under Wis. Stat., §49.45(5), to review a decision by Waukesha County Health and Human Services to discontinue Medicare Premium Assistance, a hearing was held on June 14, 2016, at Waukesha, Wisconsin, with the parties appearing by telephone.

The issue for determination is whether the county correctly closed premium assistance.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Petitioner's Representative:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: [REDACTED]  
Waukesha County Health and Human Services  
514 Riverview Avenue  
Waukesha, WI 53188

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner was a resident of Waukesha County. He died on June 7, 2016.
2. By a notice dated March 29, 2016, the county informed petitioner that Qualified Medicare Beneficiary (QMB) benefits were denied as of May 1, 2016 because income was too high and he failed to verify information.

### DISCUSSION

QMB and Special Low Income Medicare Beneficiary (SLMB) are programs which provide assistance with Medicare Part B premiums for persons whose incomes are over the regular Medical Assistance (MA) limits. Both programs pay the entire Part B premium. See the MA Handbook, Appendix 32.1.1 for a full description of the programs. The QMB income limit for one person is \$980.83. Handbook, §39.5. The SLMB limit is \$1,177. Handbook, §§32.3 and 39.5.

Although the March 29, 2016 notice included QMB as a program denied as of May 1, 2016, and although this office opened an appeal file, I can find no evidence that petitioner was receiving QMB benefits. There is no mention of QMB on petitioner's MA benefit history. I suspect his income was always too high, and the system-generated notice included QMB because petitioner potentially was eligible for it.

During the hearing QMB was not mentioned. The hearing focused on petitioner's concurrent appeal of the discontinuance of MA. I thus will dismiss this appeal because I cannot find that petitioner was eligible for QMB prior to the county action.

### CONCLUSIONS OF LAW

No issue exists regarding QMB eligibility.

**THEREFORE, it is**

**ORDERED**

That the petition for review 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 22nd day of June, 2016

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\sBrian C. Schneider  
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 22, 2016.

Waukesha County Health and Human Services  
Division of Health Care Access and Accountability  
Attorney [REDACTED]