



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MGE/174184

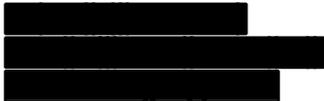
PRELIMINARY RECITALS

Pursuant to a petition filed 5, 2016, under Wis. Stat., §49.45(5), to review a decision by Milwaukee Enrollment Services to deny Medical Assistance (MA), a hearing was held on June 1, 2016, at Milwaukee, Wisconsin, with the parties appearing by telephone.

The issue for determination is whether petitioner is eligible for regular MA.

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Milwaukee Enrollment Services
1220 W. Vliet Street
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES #) is a resident of Milwaukee County.
2. Petitioner applied for MA on April 10, 2016 for a household that included his wife and two children. The only income was from petitioner's wife's job, with a monthly income of \$2,507.50. Petitioner reported that he has been determined disabled by his doctor and that a disability application is pending; he was determined to be presumptively disabled.
3. The application noted that the household had three vehicles.

4. By a notice dated April 18, 2016 the agency informed petitioner that he is ineligible for regular MA because income and assets are over the limit.

DISCUSSION

To be eligible for what is termed “regular MA,” an adult male under age 65 must be disabled or blind. Wis. Stat., §§49.46(1) and 49.47(4). To qualify as disabled, the person must meet the definition of that term as it is used for SSI purposes. Wis. Stat., §49.47(4)(a)4.

The MA asset limit for an individual is \$2,000. Wis. Stat., §49.47(4)(b)3g. If assets are above that limit, the person is not eligible for MA. The statute does not allow for outstanding debts to be deducted from assets, nor does it provide any exceptions for unusual situations. One vehicle per household is exempt; the values of other vehicles are counted against the asset limit. MA Handbook, Appendix 16.7.9.2.

When a person's income is over the MA limit, an MA deductible, also known as a spend-down, must be met before eligibility begins. Wis. Stat., §49.47(4)(c)2; Wis. Admin. Code, §DHS 103.08(2)(a); MA Handbook, App. 24.2. The current income limit for a one-person household is \$591.67. MA Handbook, App. 39.4.1. The deductible is determined by subtracting the MA limit from the person's net income, and then multiplying the result by six.

An MA deductible is calculated for a six-month period. When that period ends, a new deductible is then established for the next six months. Admin. Code, §DHS 103.08(2)(c); MA Handbook, App. 24.3. To obtain MA during the deductible period, the client must submit to the economic support worker copies of medical bills incurred. MA eligibility begins as of the date that the incurred bills meet the deductible amount.

I cite all of the above provisions because they all affect petitioner's eligibility for regular MA. First, although petitioner has not been found to be disabled as yet, there is a finding of presumptive disability. That makes petitioner eligible for regular MA until and unless he is found to be not disabled. Since most presumptively disabled individuals are eventually determined to be disabled, petitioner's eligibility should continue.

Despite the presumptive disability, petitioner was declared over the asset limit. He apparently has vehicles with value above the limit. The only assets listed on the April 18 notice are three vehicles with values of \$1,780, \$3,263, and \$11,572. Even if the most expensive one is exempt, the other two still have values totaling over \$5,000. I note that Ms. [REDACTED] did not mention the asset problem in her presentation, so it is possible that the asset issue is resolved. I mention it here because I noted the denial reason on the April 18 notice.

Finally, the agency determined that petitioner's countable income was \$37.93 over the regular MA limit, which means that he would have to meet a \$227.58 deductible to be eligible. He would have to incur medical bills in that amount, present them to the agency, and then he would be eligible for the rest of the six-month period. It is likely that petitioner will incur that amount of bills quickly, so he should follow up on it. However, at this point I have to conclude that the denial was correct when it was made because petitioner had not yet submitted medical bills to me the deductible.

I recommend also that petitioner inquire about the MAPP program. It has substantially higher income limits if the disabled person is working, but the work can be at a minimal level.

CONCLUSIONS OF LAW

The agency correctly denied regular MA for petitioner because household income was above the limit, but petitioner can gain eligibility by meeting a deductible.

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 9th day of June, 2016

\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 9, 2016.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability