



STATE OF WISCONSIN  
Division of Hearings and Appeals

In the Matter of



**DECISION**  
Case #: MGE - 175688

**PRELIMINARY RECITALS**

Pursuant to a petition filed July 19, 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 August 18, 2016, by telephone.

The issue for determination is whether petitioner meets any eligibility criteria for MA.

**PARTIES IN INTEREST:**

Petitioner:



Respondent:

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

By:   
Milwaukee Enrollment Services  
1220 W. Vliet St.  
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 is 75 years old and resides with her husband. For at least the past two years they have been eligible for Medicare premium assistance (listed as “QMB” or “SLMB” on notices from Milwaukee Enrollment Services), but they have not been eligible for MA. Notices have been telling them that they could become eligible for MA if they met a deductible.

3. In April, 2015, during a review, an agency representative informed petitioner's husband about the Medicaid Purchase Plan (MAPP). Because he rents out the lower unit in the couple's home, he was determined to be working for MAPP purposes. However, he insisted that petitioner was not working at all.
4. On April 26, 2016, the agency sent a notice informing the couple that petitioner's husband was eligible for MAPP, but petitioner remained ineligible for MA unless she met a deductible.
5. This appeal was filed July 19, 2016 with the notation "Benefit amount reduced."
6. The couple's monthly income is \$1,352.41.

### DISCUSSION

During the hearing petitioner's daughter, who spoke on her behalf, questioned why her parents started receiving medical bills last August, and asked why petitioner remains ineligible for MA. I said I would look into the case history, and I discovered that until petitioner's husband became eligible for MAPP, neither of the couple had been eligible for MA dating back to the start of 2014. I did not look earlier. For example, on September 24, 2015, the agency sent a notice telling them that they were eligible for SLMB, but that they had to meet a deductible for MA eligibility. Thus the reason they received medical bills was because they were not receiving MA.

There are three MA programs for which the couple could be eligible. One is the BadgerCare Plus (BC+) program. As of April 1, 2014, all childless adults have been eligible for BC+ with an income limit of 100% of the Federal Poverty Level, which, for a two-person household, is \$1,335. See Wis. Stat., §49.471(4)(a)4.b for the law, and the MA Handbook, Appendix 50.1 for the limit. Gross taxable monthly income is tested against the limit. Handbook, App. 16.1.3. The couple's monthly income is \$1,352.41, just slightly above the limit, but enough to make them ineligible. I note that previously the couple's gross monthly income was higher due to higher earnings from the rental property; gross monthly income was \$1,394.91 in 2015.

Regular MA for elderly, blind, and disabled individuals is another possibility. When such a person's income is over the regular 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. Adm. Code, §DHS 103.08(2)(a); MA Handbook, App. 24.2. The current income limit for a two-person household under this program 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. Adm. 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.

Under regular MA rules the couple must meet a deductible because their monthly income is well above \$591.67. That is the program the couple was tested under until petitioner's husband was tested for MAPP.

The MAPP program allows disabled individuals to work but to retain eligibility for MA. Wis. Stat., §49.472; MA Handbook, Appendix 26.1. If net income is below 250% of the federal poverty level, the person is eligible for the program. Wis. Admin. Code, §DHS 103.03(8)(b); Handbook, App. 26.4.2. 250% of the poverty level is \$3,337.50 for a two-person household. Handbook, App. 39.5. The couple's income is well below that level.

During the hearing I suggested that if petitioner helps out with the property rental she could be eligible for MAPP, although I do not know if she would be considered disabled. The couple would have to request MAPP for her. At this point, however, the agency correctly determined that petitioner is ineligible for MA as I have described above.

**CONCLUSIONS OF LAW**

Petitioner is ineligible for MA because monthly household income is above both the BC+ and regular MA limits, and she has been ineligible since at least January, 2014.

**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, **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 August, 2016

\s \_\_\_\_\_  
Brian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin \DIVISION OF HEARINGS AND APPEALS**

Brian Hayes, Administrator  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on August 22, 2016.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability