



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION
Case #: MQB - 220305

PRELIMINARY RECITALS

A petition was filed on October 2, 2025, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services regarding Medical Assistance (MA). The hearing was initially scheduled for October 29, 2025, but was rescheduled at the petitioner's request. A hearing was then held on November 20, 2025, by telephone. The hearing record was left open for one week following the hearing for the submission of additional documents from the agency.

The issue for determination is whether the agency correctly denied the petitioner's application for a Medicare Savings Program.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

Petitioner's Representative:



Respondent:

Department of Health Services
201 E. Washington Ave.
Madison, WI 53703
By: Kyra Oberg
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:
Kate J. Schilling
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is an 89 year old resident of Wisconsin who has lived in an assisted living memory care unit in Milwaukee County for the past 2 ½ to 3 years.
2. On July 24, 2025, the petitioner's representative applied for health care (Medicaid) on the petitioner's behalf. An application for Medicaid is also required to be screened for Medicare Savings Programs for individuals on Medicare.
3. On July 25, 2025, the agency processed the petitioner's application and requested verification of income and assets due on August 20, 2025.
4. On August 21, 2025, the agency denied the Medicaid and Medicare Savings Program application due to failure to verify income sources and a bank account.
5. On September 26, 2025, the petitioner re-applied for Medicaid. On September 29, 2025, the petitioner's application for Medicaid was denied due to being over the asset limit as the agency was (incorrectly) counting the petitioner's burial assets as an available asset.
6. On October 2, 2025, the petitioner's representative filed an appeal with the Division of Hearings and Appeals.
7. Following the receipt of the petitioner's appeal, an agency supervisor reviewed the case and determined that the burial assets were exempt as they had been irrevocably transferred to the funeral home. The petitioner was determined to have less than \$2,000 in countable assets.

**DISCUSSION**

*Medicare* is the health insurance program administered by the federal Centers for Medicare & Medicaid Services (CMS) for people over 65, people with end stage renal disease, and people who receive Social Security Disability Insurance benefits (SSDI). Medicare is divided into two types of health coverage. Hospitalization Insurance (Part A) pays hospital bills and certain skilled nursing facility expenses. Medical Insurance (Part B) pays doctors' bills and certain other charges.

Medicare, being an insurance program, charges premiums. Wisconsin *Medical Assistance* (Medicaid) pays some or all Medicare premiums for eligible persons through the subprograms described below:

1. Qualified Medicare Beneficiary ( QMB ).
2. Specified Low-Income Medicare Beneficiary ( SLMB ).
3. Specified Low-Income Medicare Beneficiary Plus ( SLMB+ ), also known as Qualifying Individuals – 1 ( QI-1 ).
4. Qualified Disabled and Working Individuals ( QDWI ).

*Medicaid Eligibility Handbook (MEH)* § 32.1.1. Subprograms 1 through 4 are collectively referred to as Medicare Savings Programs.

The applicable income limit for QMB is up to 100% of the federal poverty level (\$1,304). For SLMB the limit is from 100% to 119% (\$1,565), and for SLMB+ it is 120% to 134% (\$1,760) of the federal poverty level. *MEH* §§ 32.2 – 32.5; see also *MEH* § 39.4.1. A person must be working to qualify for QDWI, thus making it not an available option for the petitioner. The Medicare Savings Programs have an asset limit of \$9,660 for a single person in 2025. *MEH* §39.4.1. (QDWI has an asset limit of \$4,000.)

The petitioner applied for Medicaid on July 24, 2025. (The decision regarding the Medicaid is in companion case MGE 220307.) Pursuant to policy, any health care application for a person on Medicare is also an application for a Medicare Savings Program. The petitioner in this case is 89 years old and was enrolled in Medicare; hence, she was screened for Medicare Savings Programs. The agency denied the petitioner for being over the income limit for these programs on August 21, 2025.

At the hearing, it was uncontested that the petitioner's monthly income is \$4,359.73. This places her income well above the program limits for any Medicare Savings Program. Therefore, the agency correctly denied her eligibility for a Medicare Savings Program.

### CONCLUSIONS OF LAW

The agency correctly denied the petitioner's application for Medicare Savings Programs as she is over the applicable income limits.

**THEREFORE, it is**

**ORDERED**

That this appeal 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, 4822 Madison Yards Way, 5<sup>th</sup> Floor North, 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**

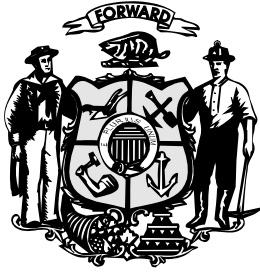
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 201 E. Washington Ave., **and** on those identified in this decision as "PARTIES 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 12th day of January, 2026

\s \_\_\_\_\_  
Kate J. Schilling  
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 January 12, 2026.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability

