



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION
Case #: MGE - 220377

PRELIMINARY RECITALS

Pursuant to a petition filed on October 13, 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), a hearing was held on November 5, 2025, by telephone.

The issue for determination is whether the agency properly denied an application for Institutional Medical Assistance that was filed on Petitioner's behalf on July 30, 2025.

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:

Teresa A. Perez
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is an unmarried resident of [redacted] who resides in a skilled nursing facility.

2. [REDACTED] has been Petitioner's corporate guardian since at least May 2025.
3. On July 30, 2025, [REDACTED] of [REDACTED] submitted an Institutional Medical Assistance application to Milwaukee Enrollment Services ("the agency") on Petitioner's behalf, reported that Petitioner had been in a nursing home since June 2025, and requested Medical Assistance coverage beginning in June 2025.
4. [REDACTED] signed the July 30, 2025 application. Petitioner did not sign the application.
5. The application did not include a copy of Letters of Guardianship, a form signed by Petitioner authorizing [REDACTED] to represent her in dealings with the agency, or any other documentation to verify that [REDACTED] had the authority to file a Medical Assistance application on Petitioner's behalf.
6. [REDACTED] listed the following assets on Petitioner's application: a bank account with [REDACTED] (account no. ending [REDACTED]) and an irrevocable burial trust. She also reported that Petitioner received Social Security. She reported no other assets or income.
7. On September 2, 2025, the agency sent Petitioner a request to sign her application and to verify her guardianship fees as well as assets and income that were not listed on the July 30, 2025 application but that had been reported or discovered when Petitioner filed a previous benefit application and/or discovered by the agency when reviewing databases that are available to it. Specifically, the agency requested verification of a [REDACTED] life insurance policy, [REDACTED] pension amount, [REDACTED] account value as of June 30, 2025, and information regarding a large deposit made into Petitioner's [REDACTED] bank account in June 2025 and a large withdrawal made in June 2025. The agency instructed Petitioner that its requests must be complied with by September 22, 2025.
8. On September 17, 2025, the agency sent another request for Petitioner's signature and for all of the other information and verification identified in Finding of Fact No. 7. The agency extended the due date to September 26, 2025.
9. On September 19, 2025, [REDACTED] faxed the agency verification of Petitioner's pension. On or after that date, she also sent documentation showing the surrender of several life insurance policies. The agency did not receive verification of the [REDACTED] life insurance policy, documentation of [REDACTED]'s guardianship authority, or information regarding the June 2025 large deposit into and July 2025 withdrawal from Petitioner's [REDACTED] bank account.
10. By notice dated September 29, 2025, the agency denied Petitioner's application because she did not sign that application and because she did not provide all requested information and verification.
11. On October 13, 2025, [REDACTED] of [REDACTED] filed an appeal on Petitioner's behalf.

DISCUSSION

To be eligible for Institutional Medical Assistance (also referred to as Nursing Home Long Term Care), an unmarried individual may not own countable, available assets in excess of \$2,000. *Medicaid Eligibility Handbook (MEH)* §§16.1, 27.5.1, and 39.4.1. And, those assets must be verified. In addition, the agency must verify, among other things, the applicant's income and evaluate whether they transferred any assets for less than fair market value. See *MEH* §§20.3.

1. An individual must also submit an application that includes the signature of the applicant or someone who is permitted to represent them in the application process. Guardians are among the categories of people who may sign an application for an applicant; however, when an application is submitted by a guardian, the State of Wisconsin's Medicaid policy requires the agency to obtain "a copy of the document that designates the signer of the application as the guardian" and that document must also show that the guardian has been given the authority to file an application for their ward. *MEH* §2.5. Medicaid policy also notes that a ward who is competent to do so may

appoint their guardian of the person to be their authorized representative. *Id.* The state's policy sets forth several other categories of individuals who may sign an application for an applicant including: conservators, an authorized representative (such authorization, under this policy, must be provided in writing and signed), agents with a durable power of attorney for finances, a superintendent of a state mental health institute or center for the developmentally disabled, a warden or warden's designee for an inmate of a state correctional institution who is a hospital inpatient for more than 24 hours, and the superintendent of a county psychiatric institution. *Id.*

Consistent with the mandates described above, the agency requested verification of Petitioner's income and assets, information regarding how certain assets were spent, and either Petitioner's signature or documentation of [REDACTED]'s guardianship authority. The evidence in the hearing record demonstrated that Petitioner's guardian complied with some but not all of the agency's requests. At a minimum, the guardian had not, as of the date of the hearing, provided Letters of Guardianship or other documentation of her authority or [REDACTED]'s authority, the [REDACTED] life insurance policy verification, or information regarding how certain funds withdrawn from her [REDACTED] bank account were spent. In light of [REDACTED]'s failure to fully comply with the agency's appropriate requests, the agency was correct to deny the application. Moreover, the request had still not been fully complied with by the time of the hearing.

CONCLUSIONS OF LAW

The agency correctly denied Petitioner's July 30, 2025 application for Institutional Medical Assistance based on her failure to provide requested verification and a valid signature.

THEREFORE, it is **ORDERED**

That Petitioner's appeal 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, 4822 Madison Yards Way, 5th 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

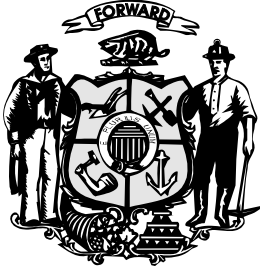
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 201 E. Washington Ave., **and** on those identified in this decision as "PARTIES 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 9th day of January, 2026

\s _____
Teresa A. Perez
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 9, 2026.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability

