



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

**DECISION**

Case #: MGE - 209285

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**PRELIMINARY RECITALS**

Pursuant to a petition filed on July 6, 2023, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Barron County Department of Human Services regarding Medical Assistance (MA), a hearing was held on August 16, 2023, by telephone.

Whether the agency correctly denied the petitioner's February 2023 application for Elderly, Blind or Disabled Medical Assistance due to assets in excess of program limits.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

**Petitioner:**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Petitioner's Representative:**

Richard Lavigne  
Greater Wisconsin Agency on Aging Resources  
1414 MacArthur Rd. Suite 306  
Madison, WI 53714

**Respondent:**

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

By: Megan Boiteau

Barron County Department of Human Services  
Courthouse Room 338  
335 E Monroe Ave  
Barron, WI 54812

**ADMINISTRATIVE LAW JUDGE:**

Beth Whitaker  
Division of Hearings and Appeals

## FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is an [REDACTED]-year-old resident of Barron County.
2. On May 7, 2023, petitioner submitted a Wisconsin Medicaid for the Elderly, Blind or Disabled Application.
3. On May 17, 2023, the agency issued to petitioner a Notice of Proof Needed regarding two automobiles, a truck and a 2016 John Deere 2032 Farm Tractor.
4. On May 24, 2023, the agency issued to petitioner an About Your Benefits notice, informing her that she applied on February 1, 2023 and that her application for Medicaid was denied because her income exceeded the program limit and the assets counted for the household exceeded the program limit.
5. On July 20, 2023, the agency issued to petitioner a Notice of Denial of Benefits/Negative Change in Benefits, informing her that her application for Medicaid and/or BadgerCare Plus for February and March 2023 was denied because her countable assets exceeded the asset limit.
6. On July 24, 2023, the agency issued to petitioner an About Your Benefits notice for the months July, August and September 2023, informing her that she applied on April 1, 2023 and that her application was denied because her income exceeded the program limit and the assets counted for the household exceeded the program limit.
7. On July 12, 2023 the Division received petitioner's request for hearing by U.S. Mail postmarked July 6, 2023.

## DISCUSSION

Medicaid is a state/federal program that provides health coverage for Wisconsin residents that are elderly, blind, or disabled (EBD) or receive Wisconsin Well Woman Medicaid. Medicaid is also known as Medical Assistance, MA, and Title 19. The EBD fiscal group's assets must be within the appropriate categorically needy or medically needy asset limit before any member of that group can qualify for Medicaid. EBD fiscal groups who have assets in excess of the appropriate EBD medically needy asset limit are ineligible for Medicaid. See MA Eligibility Handbook §§1.1.1 and 1.1.3.1., available online at <http://www.emhandbooks.wi.gov/meh-ebd/>.

In cases regarding initial eligibility, it is the applicant who has the burden to prove that s/he meets the relevant eligibility requirements. To meet that burden, a preponderance of the evidence in the record must demonstrate the applicant is eligible.

The petitioner is [REDACTED] years of age and meets the non-financial criteria for Elderly, Blind and Disabled MA. MA is a means-tested program; therefore, she must also meet both income and asset tests. The asset limit for a two-person household under Elderly Blind & Disabled Medical Assistance is \$3,000. Medicaid Eligibility Handbook, App. § 39.4.1. The counted income limit in this case was \$1,643.33. The agency found that petitioner's counted income was \$2,304.80 per month and therefore exceeded the income limit. It found that her counted assets were \$10,091.42 and therefore exceeded the asset limit.

The petitioner does not question the limits and does not dispute the income counted. Petitioner's counted assets were comprised of the tractor, valued at \$5,362.35. In the February 2023 determination, additional assets in the form of bank accounts were included. In the July 2023 determination, the accounts were not included. Petitioner did not present evidence or argument regarding treatment of the accounts. The agency representative testified that the agency found it had erred in its treatment of the account assets and issued the July 2023 decision to update or correct that.

The primary issue at hearing is a narrow one -- whether the petitioner's farm tractor should be counted as an asset in determining her eligibility. Petitioner asserts that the farm tractor is an exempt asset because it is "needed by the household for maintenance, use and occupancy of the premises as a home", citing Medicaid Eligibility Handbook Sec. 16.7.1.1, entitled Household Goods. The agency took the position that the tractor is a vehicle used for transportation and, pursuant to MEH 16.7.9, should be counted.

The secondary issue, relevant if the tractor is a counted asset, is its value. Petitioner asserts that if the tractor is not exempt, it has a negative value because the value assigned by the agency is less than the loan balance.

MEH 16.7.9 Vehicles (Automobiles) to determine that the tractor is a vehicle used for transportation and should be counted as an asset. The section states that "(v)ehicle refers to any registered or unregistered vehicle used for transportation. Vehicles used for transportation include, but are not limited to, cars, trucks, motorcycles, boats and snowmobiles." Automobiles and the other vehicles listed as examples are used for transportation – to move people or items from one place to another.

Farm tractors are not designed or typically used for transportation. They have wheels and can be driven on the road, but do not contain significant passenger seating or storage area to facilitate moving people or things. They are equipment that is moved from one place to another so that they can perform work at the destination. The particular farm tractor owned by petitioner is not used for transportation. Petitioner testified credibly that she has a long driveway that requires snow plowing in the winter and a large lawn around the residence that requires mowing, and that the tractor is used for those things exclusively. She testified credibly that it has never travelled on a public road or anywhere except the property where she lives.

The tractor is not a vehicle used for transportation. It is personal property owned by petitioner and is not held for its investment value. It is most appropriately considered an exempt household good under MEH Sec. 16.7.1.1. Household goods are "(I)tems of personal property, found in or near the home, that are used on a regular basis" and "...needed by the household for maintenance, use and occupancy of the premises as a home." MEH 16.7.1.1. The examples provided in the handbook differ from the tractor in that they are items used in the interior of the home. However, the definition does not exclude items used to care for the exterior or lawn of a home, such as lawnmowers or snowblowers. In terms of how it is used, to maintain the lawn and driveway of petitioner's home, it fits the definition of household good. There is no other provision in the handbook that includes exterior home or lawn machinery or equipment. Petitioner is physically unable to manually mow or plow snow. The tractor is needed for maintenance of the premises. It should not be counted as an asset.

Regarding the tractor's value, if it were counted as an asset, petitioner failed to show that the agency's valuation is incorrect. Petitioner presented evidence that she purchased the John Deere Tractor from a private party in 2016 and paid \$14,500 for it and owes \$9,000. The agency representative testified that it used an estimate of market value and deducted the amount owed, relying on statements from February, March and April 2023. The agency's value is generally consistent with the purchase price and debt information that petitioner provided.

### CONCLUSIONS OF LAW

The agency incorrectly denied petitioner's application for Medicaid based on assets above the program limits. The agency incorrectly determined petitioner's counted assets Medicaid eligibility for February 2023, because it erroneously counted petitioner's farm tractor, used as a household good to maintain the premises where she lives, as an asset.

**THEREFORE, it is**

**ORDERED**

That the matter is remanded to the agency with instructions to determine petitioner's eligibility for Medicaid without counting the value of her farm tractor as an asset. If petitioner is otherwise eligible in February 2023, the agency must provide backdated eligibility effective that month. The agency shall comply with these instructions within ten days of the date of this decision. In all other regards, 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, 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**

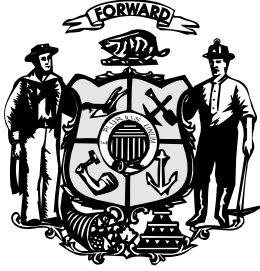
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision 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 19th day of September, 2023



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Beth Whitaker  
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 September 19, 2023.

Barron County Department of Human Services  
Division of Health Care Access and Accountability

