



DEPARTMENT OF CHILDREN
AND FAMILIES
Secretary Eloise Anderson
201 East Washington Avenue, Room G200
P.O. Box 8916
Madison, WI 53708-8916
Telephone: 608-266-8684
Fax: 608-261-6972
www.dcf.wisconsin.gov

DEPARTMENT OF HEALTH SERVICES
Secretary Kitty Rhoades
1 West Wilson Street
P.O. Box 7850
Madison, WI 53707-7850
Telephone: (608) 266-9622
FAX: (608) 266-7882
www.dhs.wisconsin.gov

**State of Wisconsin
Governor Scott Walker**

**TO: Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff
W-2 Agencies
Workforce Development Boards
Job Center Leads and Managers
Training Staff
Child Care Coordinators**

FROM: Shawn Smith, Bureau Director
Bureau of Enrollment Policy & Systems
Division of Health Care Access and Accountability

DHS OPERATIONS MEMO					
No:		DHS 14-30			
DATE:		9/15/2014			
FS	<input checked="" type="checkbox"/>	MA	<input checked="" type="checkbox"/>	BC+	<input checked="" type="checkbox"/>
SC	<input type="checkbox"/>	CTS	<input checked="" type="checkbox"/>	FSET	<input type="checkbox"/>

SUBJECT: Cobell Settlement

CROSS REFERENCE: BadgerCare Plus Handbook 16.2
Medicaid Eligibility Handbook 15.3
Food Share Handbook 4.3.4.3
POMS SI 00830.852

EFFECTIVE DATE: Immediately

PURPOSE:

The purpose of this Memo is to provide information on how to treat one time federal claims payments made to some Tribal Members or their descendants as a result of the Cobell class action settlement when determining Food Share (FS), Medicaid (MA), Caretaker Supplement or BadgerCare Plus (BC+) eligibility.

BACKGROUND:

On December 8, 2010 Congress passed The Claims Resolution Act of 2010 (PL 111-291) which provided \$3.4 billion for the settlement of the Cobell v. Salazar Class Action Trust Case, with \$1.4 billion going directly to the plaintiffs. Initial payments of \$1,000 were awarded to the Historical Accounting Class in December of 2012. Payments to the Trust Administration Class Members will be made over the next few months. Each member of the Trust Administration Class will receive a baseline payment of \$500. The \$100 million in the Trust Administration Adjustment Fund will be used to increase the minimum payments for these members, with the exact amounts to be determined immediately preceding the distribution of those funds.

INCOME:

Exclude all settlement proceeds received from the Cobell v. Salazar Class Action Trust Case as income when determining eligibility for BC+ (Both MAGI and non-MAGI), Medicaid, Caretaker Supplement and Food Share.

For purposes of determining eligibility for Elderly, Blind and Disabled Medicaid programs, including all Long Term Care programs and Institutional Medicaid, these payments are also exempt as countable assets for one year from the date of receipt.

Settlement proceeds issued to children under age 18 shall be deposited into their Individual Indian Monies (IIM) account, and will not be considered an available resource to them until age 18, or 12 months from the date of receipt, whichever is later.

CONTACTS:

BEPS CARES Information & Problem Resolution Center

*Program Categories – FS – FoodShare, MA – Medicaid, BC+ – BadgerCare Plus, SC – SeniorCare, CTS – Caretaker Supplement, FSET – FoodShare Employment and Training.

DHS/DHCAA/BEPS/MG