

*This opinion will be unpublished and
may not be cited except as provided by
Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A10-1013**

Joseph Dixon,
Appellant,

vs.

Hennepin County Human Services Department,
Respondent,
Minnesota Department of Human Services,
Respondent.

**Filed December 21, 2010
Affirmed
Stoneburner, Judge**

Hennepin County District Court
File No. 27CV10295

Joseph Dixon, Minneapolis, Minnesota (pro se appellant)

Michael O. Freeman, Hennepin County Attorney, Pat Olson, Assistant County Attorney,
Minneapolis, Minnesota (for respondent)

Considered and decided by Toussaint, Presiding Judge; Stoneburner, Judge; and
Bjorkman, Judge.

UNPUBLISHED OPINION

STONEBURNER, Judge

Pro se appellant challenges the district court's decision affirming a ruling by the
Minnesota Commissioner of Human Services that respondent Hennepin County Human

Services Department properly calculated appellant's state medical benefits for the period of March 2009 through October 2009. We affirm.

FACTS

Appellant Joseph Dixon receives federal benefits that include Retirement, Survivors, and Disability Insurance (RSDI) and Medicare. From the State of Minnesota, Dixon receives Medical Assistance (MA), Service Limited Medicare Beneficiary benefits (SLMB) (which pays Dixon's Medicare premium), and food support. The state benefits are calculated and administered by respondent Hennepin County Human Services Department (HCHSD).

Dixon's state benefits were suspended for approximately two months in 2009 after he failed to timely submit mandatory annual-review documentation. During the suspension of state benefits, Dixon's Medicare premiums were deducted from his RSDI. Once the annual review was completed, all state benefits resumed. The state reimbursed RSDI for the Medicaid premiums that had been withheld and RSDI, in turn, reimbursed Dixon for the full amount that had been withheld from RSDI for Medicare premiums.

While his benefits were suspended, Dixon appealed to respondent Minnesota Department of Human Services (MDHS), alleging that HCHSD wrongfully terminated his benefits, illegally took funds from his RSDI benefits, and miscalculated the amount of food support he was entitled to. After state benefits were reinstated and Dixon had been reimbursed for Medicare premiums that had been withheld from RSDI, HCHSD notified MDHS that concerns raised in the appeal had been resolved. MDHS took no action on Dixon's appeal until months later when Dixon informed MDHS that he did not consider

the issues resolved. The appeal was reinstated and a hearing was held in October 2009, by which time Dixon had additional concerns regarding MA.

MA pays for qualifying medical services for persons whose income is within MA program income limits. Minn. Stat. §§ 256B.055–.056 (2008 & Supp. 2009). To qualify for MA, a person can reduce their income to meet program eligibility limits through a “spenddown,” meaning that the applicant personally pays medical bills and subtracts the amount paid from his or her gross income. Minn. Stat. § 256B.056, subd. 3d (Supp. 2009).

Prior to January 2009, Dixon’s gross income was \$949 per month, consisting exclusively of RSDI benefits. Those benefits increased to \$1,004 per month beginning in January 2009. Federal poverty guidelines were also changed in 2009. The changes in Dixon’s income and federal poverty guidelines resulted in recalculation of Dixon’s state benefits, including the amount that he had to spenddown his income to qualify for MA. Prior to August 2009, Dixon’s spenddown amount was \$299 per month. For August, September, and October 2009, Dixon’s monthly spenddown increased to \$327. But Dixon asserts that despite his failure to spenddown income, HCHSD is without authority to withhold MA. He argues that he is entitled to MA without any spenddown based on a letter he claims to have received, informing him that he is entitled to “free” benefits. Neither the letter nor any detail about the letter is part of the record.

Based on information provided at the hearing, a human-services judge (HSJ) concluded that HCHSD had not taken any negative action regarding Dixon’s benefits and had correctly calculated Dixon’s food support and MA spenddown for the relevant

period. To the extent that Dixon's concerns related to federal benefits, the HSJ concluded that MDHS lacks jurisdiction over federally administered benefits. The commissioner of MDHS adopted the recommendations of the HSJ.

Dixon appealed the commissioner's decision to the district court under Minn. Stat. § 256.045, subd. 7 (2008), which provides for judicial review of an order of the commissioner of human services. MDHS explained its appearance in the appeal as an inactive party whose interests are identical to HCHSD's interests. The district court elected to conduct an in-chambers review without requesting new or additional evidence. *See* Minn. Stat. § 256.045, subd. 8 (2008) (providing that the district court "shall take no new or additional evidence unless it determines that such evidence is necessary for a more equitable disposition of the appeal"). The district court issued a briefing schedule for submissions by Dixon and HCHSD.

Dixon submitted several writings to the district court, alleging in part, perjury, fraud, inappropriate suppression of evidence, alteration of the official transcript, the HSJ's failure to properly consider the evidence, MDHS's and/or HCHSD's refusal to provide Dixon with trial documents, various forms of discrimination, and numerous constitutional violations. HCHSD's submission referred the district court to the HSJ decision, which contains an "exhaustive" review of how the county calculated Dixon's state benefits for the relevant period. HCHSD argued that the record demonstrates that it did not terminate Dixon from any program, did not deny application to any program, and did not improperly withhold any funds from Dixon's RSDI checks. Based on the record and the submissions of the parties, the district court affirmed the commissioner's decision

without discussion. Dixon appeals from the district court's order affirming the agency's calculation of his benefits and dismissing his other claims.

D E C I S I O N

I. Standard of appellate review

This court reviews a commissioner's order independently, with no deference to the district court's review. *Zahler v. Minn. Dep't of Human Servs.*, 624 N.W.2d 297, 301 (Minn. App. 2001), *review denied* (Minn. June 19, 2001). The standard of our review, like that of the district court, is governed by Minn. Stat. § 14.69 (2008). This court may affirm an agency decision, remand for further proceedings, or

reverse or modify the decision if the substantial rights of the petitioner[] may have been prejudiced because the administrative finding, inferences, conclusion, or decisions are:

- (a) in violation of constitutional provisions; or
- (b) in excess of the statutory authority or jurisdiction of the agency; or
- (c) made on unlawful procedure; or
- (d) affected by other error of law; or
- (e) unsupported by substantial evidence in view of the entire record as submitted; or
- (f) arbitrary or capricious.

Minn. Stat. § 14.69. Agency determinations enjoy a presumption of correctness and deference is shown to an agency's conclusions in its respective area of expertise. *Cable Commc'ns Bd. v. Nor-West Cable Commc'ns P'ship*, 356 N.W.2d 658, 668 (Minn. 1984).

II. Challenges to the district court's procedure

In this appeal, Dixon asserts that his constitutional rights were violated and that he was discriminated against on many bases by the district court's failure to conduct a

hearing or accept additional testimony and oral argument.¹ Dixon ignores the fact that the legislature specifically provided for in-chambers review by the district court of the agency order involved in this case. Minn. Stat. § 256.045, subd. 8. The district court provided Dixon and HCHSD an opportunity to submit written arguments, and nothing in the record indicates that any circumstances required the district court to reopen the record or hold an in-court proceeding.

Dixon appears not to appreciate that the district court was acting in the capacity of an appellate court, with a limited standard of review governed by the Administrative Procedure Act, Minn. Stat. §§ 14.001–.069 (2008 & Supp. 2009) (the APA). When judicial review is authorized by Minn. Stat. § 256.045, “the scope of review is governed by Minn. Stat. § 14.69 [and] . . . the district court is engaged in appellate review even though Minn. Stat §256. 045, subd. 8, allows the district court to consider new and additional evidence when necessary for a more equitable disposition of the appeal.” *Zahler*, 624 N.W.2d at 30 (quotation omitted). Because the district court conducted the appeal as authorized by law, and because there is nothing in the record to support Dixon’s allegations that he was denied an in-person hearing on the basis of judicial bias regarding race or any other protected status, we find no merit in Dixon’s challenges to the district court’s procedure.

¹ Almost all of the issues Dixon asserts in his reply brief on appeal relate to the district court’s failure to conduct a trial.

III. Challenges to HCHSD's decision

Dixon has not clearly identified a statutory basis for his challenge to the agency's decision. In his brief on appeal, he states that the focus of the appeal is "the Medical Bill not [being] paid." Dixon asserts that he received a letter informing him that he is entitled to medical benefits at no cost to him. Based on this assertion, Dixon takes the position that HCHSD is without authority to require that he spenddown income to be eligible for MA. But Dixon did not introduce the letter into the record, identify the specific benefits that the letter addressed, or explain why he is exempt from the spenddown requirement.²

Dixon introduced a number of medical bills into the record. Dixon testified that he is unable to afford the spenddown that would qualify him to have MA cover these bills. But aside from his reference to a letter stating that he is entitled to benefits at no cost, Dixon has not provided any argument or analysis to support the assertion that HCHSD has wrongfully denied payment.³

Dixon plainly believes that he has been treated unfairly by HCHSD. But the record just as plainly establishes that there is no evidence to support Dixon's beliefs on this point. Although his spenddown amount increased due to changes in his RSDI

² While we recognize that certain people may be exempt from spenddowns under some state and federal health-benefits programs, Dixon does not present any evidence to indicate that he is one of the persons who is exempt from a spenddown. *Cf., e.g.,* Minn. Dep't of Human Servs., *Health Care Programs Manual*, ch. 24 (2010) (explaining, for example, that pregnant women, newborns, and persons with breast cancer may not be subject to spenddowns).

³ To the extent that Dixon argues that Medicare should pay these bills, or that HCHSD miscalculated his Medicare premium, the commissioner correctly held that neither HCHSD nor MDHS has any jurisdiction over the federally administered Medicare program.

income and changes in the federal poverty guidelines, the record shows that Dixon has not been denied benefits, subjected to an erroneously calculated spenddown amount, or subjected to any other negative action by HCHSD.

The HSJ's decision describes the spend-down calculation in detail, demonstrating that Dixon's spenddown was accurately calculated under Minn. Stat. § 256B.056 (2008 & Supp. 2009). Minnesota requires that people earning more than the federal poverty guidelines must spend down income to 75% of federal poverty guidelines to be eligible for MA. Minn. Dep't of Human Servs., *Health Care Program Manual*, ch. 22.05.05 (2010). At the relevant time, Dixon's income was \$1,004 per month and the federal poverty guideline was \$903 per month. Seventy-five percent of \$903 is approximately \$677. Reducing \$1,004 to \$677 requires a spend-down of \$327 per month, which is the exact number that HCHSD calculated. The record, therefore, supports the conclusion that HCHSD did not err in interpreting law or MDHS regulations, and that the agency properly calculated Dixon's spenddown.

Furthermore, the record does not contain any support for Dixon's repeated assertions that he is the victim of discrimination. Dixon has failed to establish *any* adverse action against him by HCHSD. With regard to arguments asserted by Dixon and not specifically addressed in this appeal, Dixon's arguments do not articulate appealable claims or are insufficiently briefed to allow meaningful appellate review. *See State, Dep't of Labor & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (declining to reach an issue absent adequate briefing).

Affirmed.