



**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

CWA/170328

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**PRELIMINARY RECITALS**

Pursuant to a petition filed November 23, 2015, under Wis. Admin. Code § HA 3.03, to review a decision by the Bureau of Long-Term Support in regard to Medical Assistance, a hearing was held on January 05, 2016, at West Bend, Wisconsin. The record was held open post-hearing for the IRIS agency to conduct a re-screen of the Petitioner based on a change in condition. A re-screen was conducted on January 20, 2016. The agency submitted the results of the re-screen on January 26, 2016. The record was closed.

There is no issue for determination.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Petitioner's Representative:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: Carrie Haugen  
Bureau of Long-Term Support  
1 West Wilson

Madison, WI

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Washington County.

2. On October 29, 2015, the IRIS agency issued a Notice of Action to the Petitioner informing him that the agency had determined he was no longer functionally eligible for the IRIS program because he did not meet a Nursing Home Level of Care.
3. At the hearing on January 5, 2016, the Petitioner testified that he has had a change in condition. The case was held open
4. On January 20, 2016, the agency conducted a re-screen of the LTCFS for the Petitioner. As a result of the re-screen, the agency determined the Petitioner is eligible for the IRIS program.
5. On January 26, 2016, the agency issued a letter to DHA retracting the NOA of October 29, 2015.

### **DISCUSSION**

Based on the agency's action in retracting the Notice of Action of October 29, 2016 and the agency's determination that the Petitioner is functionally eligible for the IRIS program at a nursing home level of care, there is no longer an issue for determination.

### **CONCLUSIONS OF LAW**

There is no longer an issue for determination.

**THEREFORE, it is** **ORDERED**

That the 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, 5005 University Avenue, Suite 201, 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, Madison, Wisconsin 53703, **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 Milwaukee,  
Wisconsin, this 17th day of February, 2016

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\sDebra Bursinger  
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 February 17, 2016.

Bureau of Long-Term Support

