



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MOP/171107

PRELIMINARY RECITALS

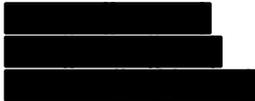
Pursuant to a petition filed January 4, 2016, under Wis. Stat., §49.45(5), to review a decision by the Dane County Dept. of Human Services to recover Medical Assistance (MA), a hearing was held on March 11, 2016, at Madison, Wisconsin. A hearing set for February 9, 2016 was rescheduled at the petitioner's request. The record was held open 60 days for petitioner to provide additional documentation. The documents were received, and the county recalculated the overpayments based upon the new information. Petitioner was given until June 9, 2016 to object to the changes; no objection was received by the Division of Hearings and Appeals.

No issue remains for determination.

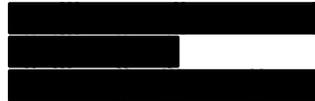
There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Petitioner's Representative:



Respondent:

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

By: 
Dane County Dept. of Human Services
1819 Aberg Avenue
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Dane County.

2. On November 19, 2015 the Division of Hearings and Appeals issued a series of decisions holding that petitioner failed to report that the father of two of her children lived with her for at least the four previous years. Petitioner did not appeal.
3. On November 23, 2015 the county issued notices to petitioner and the father that they were overpaid a total of \$45,958 in MA payments from October 1, 2010 through April 30, 2015. The claim was for all MA paid on petitioner's behalf because petitioner had not provided the father's income information for the time period.
4. At the hearing and then during the open record period petitioner provided all tax returns for the years in question.
5. Based upon the income information provided the county determined that there was no MA overpayment. The household would have been eligible for MA even if the father had been reported. The county rescinded the MA overpayments against both individuals.

DISCUSSION

Based upon the post-hearing activity, I will order the county to rescind the MA overpayments as re-determined by Ms. Johnson.

CONCLUSIONS OF LAW

No issue remains for determination.

THEREFORE, it is

ORDERED

That the matter be remanded to the county with instructions to adjust all BadgerCare Plus and MA overpayments determined against petitioner in November, 2015, to \$0 as re-determined following submission of income tax information. The county shall do so within 10 days of this decision.

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 Madison,
Wisconsin, this 10th day of June, 2016

\sBrian C. Schneider
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 June 10, 2016.

Dane County Department of Human Services
Public Assistance Collection Unit
Division of Health Care Access and Accountability
Attorney [REDACTED]