



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: MOP - 173550

PRELIMINARY RECITALS

Pursuant to a petition filed on April 8, 2016, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Racine County Department of Human Services regarding Medical Assistance, a hearing was held on May 26, 2016, by telephone.

No issue remains for determination by the Division of Hearings and Appeals.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Petitioner's Representative:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: [REDACTED]

Racine County Department of Human Services
1717 Taylor Ave
Racine, WI 53403-2497

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

This appeal was filed by Petitioner to contest BadgerCare+ overpayment claim #s [REDACTED] (5/1/10 – 12/31/10; \$665.61), [REDACTED] (4/1/11 – 3/31/12; \$1971.14), [REDACTED] (4/1/12- 12/31/12; \$1987.97) and [REDACTED] (9/1/13-12/31/14; \$1972.95).

The parties have reached a settlement agreement that requires the agency to rescind claim #s [REDACTED] (4/1/12- 12/31/12; \$1987.97) and [REDACTED] (9/1/13-12/31/14; \$1972.95). A new claim for the period of 4/1/12 – 8/31/12 is to be established in the amount of \$1678.23 and as a client error. Petitioner agrees to withdraw her hearing request as to claim #s [REDACTED] (5/1/10 – 12/31/10; \$665.61), [REDACTED] (4/1/11 – 3/31/12; \$1971.14).

In total, Petitioner agrees to repay \$4314.88. *[Though my addition, not necessarily correct, of the remaining claims, as noted in the stipulation, totals \$4214.98 (\$665.61+\$1971.14+\$1678.23). If I am correct, this is such a small amount I am leaving it to the parties to see if they wish to correct it.]*

Finally, the agency and county agree not to take other action against Petitioner for BadgerCare benefits received during the time period of May, 1, 2010 through December 31, 2014 including, but not limited to, filing a citation for violation of county ordinance.

CONCLUSIONS OF LAW

That no issue remains for resolution by the Division of Hearings and Appeals.

THEREFORE, it is

ORDERED

That the agency is directed to rescind claim numbers [REDACTED] (4/1/12- 12/31/12; \$1987.97) and [REDACTED] (9/1/13-12/31/14; \$1972.95) and to establish a new claim in the amount of \$1678.23 for the period of 4/1/12- 8/31/12. This must be done within 10 days of the date of this decision if it has not been done already. The parties are to abide by their stipulation in all other respects.

As to claim #s [REDACTED] (5/1/10 – 12/31/10; \$665.61), [REDACTED] (4/1/11 – 3/31/12; \$1971.14), this 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, **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 August, 2016

\s _____
David D. Fleming
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 August 17, 2016.

Racine County Department of Human Services
Public Assistance Collection Unit
Division of Health Care Access and Accountability

