



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

MGE/144443

PRELIMINARY RECITALS

Pursuant to a petition filed October 9, 2012, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Fond du Lac County Department of Social Services in regard to Medical Assistance (MA), a hearing was held on December 6, 2012, at Fond du Lac, Wisconsin.

The issue for determination is whether the county agency is attempting recovery of an MA overpayment from the petitioner at this time.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Debra Abitz, ES Spec.
Fond du Lac County Department of Social Services
87 Vincent Street
Fond Du Lac, WI 54935 -4595

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Fond du Lac County.
2. The petitioner was a recipient of SSI-related MA from January 2004 through September 2008, followed by MAPP medical coverage from November 2008 through May 2009, and for the month of November, 2011.

3. At this December 2012 hearing, the petitioner expressed concern that he was being asked to pay off a Medical Assistance overpayment through deductions from his Social Security check. The record was held open for one day to allow the county agency representative to review the agency's records regarding any MA overpayment. She subsequently reported to this Administrative Law Judge that there is no record of any MA overpayment to the petitioner. She also reported that Social Security is apparently withholding a past Social Security overpayment from the petitioner's current Social Security benefits.

DISCUSSION

There is no MA overpayment issue to be decided by this Administrative Law Judge because there is no MA overpayment claim pending against the petitioner.

CONCLUSIONS OF LAW

There is no MA overpayment issue to be decided by this Administrative Law Judge because there is no MA overpayment claim pending against the petitioner.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Madison,
Wisconsin, this 11th day of December, 2012

\sNancy J. Gagnon
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 December 11, 2012.

Fond Du Lac County Department of Social Services
Division of Health Care Access and Accountability