



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

CWA/144837

PRELIMINARY RECITALS

Pursuant to a petition filed October 26, 2012, under Wis. Admin. Code § HA 3.03, to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a telephonic hearing was held on December 04, 2012, at Milwaukee, Wisconsin.

The issue for determination is whether there is sufficient evidence in the hearing record to determine whether Milwaukee Enrollment Services correctly and accurately increased the petitioner's Community Waivers program cost share from zero to \$160 effective November 1, 2012.

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: Chris Sobckak, HSPC senior
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County who receives benefits through the Community Waivers program.
2. The petitioner receives monthly Social Security of \$1,039.

3. During petitioner's October, 20102 review, the Community Waivers program learned that petitioner's rent decreased from \$600 to \$237 as of September, 2012.
4. The petitioner has not submitted any medical remedial expenses to Milwaukee Enrollment Services.
5. Milwaukee Enrollment Services sent an October 9, 20102 Notice to the petitioner stating that her Community Waivers program cost share would increase from zero to \$160 effective November 1, 2012, due to a reduction in petitioner's shelter expense (rent) from \$600 to \$237.
6. The petitioner alleged that her utility bills had increased, but that her utility deduction had not increased in the calculation of her cost share.
7. During the December 4, 2012 hearing, the parties stipulated to the following: a) By December 11, 2012, petitioner would send to Milwaukee Enrollment Services (MES) verification of her utility bills for the period of May, 2012 to November, 2012; and b) By December 18, 2012, MES will re-calculate the petitioner's cost share retroactive to November 1, 2012 including an average of her shelter utility deduction, and send a new notice to the petitioner.

CONCLUSIONS OF LAW

The parties stipulated that it will follow the process stated in Finding of Fact #7 above to re-determine the petitioner's cost share retroactive to November 1, 2012. As a result, the parties agreed that there was insufficient evidence in the hearing record to determine whether Milwaukee Enrollment Services correctly and accurately increased the petitioner's Community Waivers program cost share from zero to \$160 effective November 1, 2012.

THEREFORE, it is

ORDERED

The matter is remanded to the parties to perform the following: a) By December 11, 2012, petitioner would send to Milwaukee Enrollment Services (MES) verification of her utility bills for the period of May, 2012 to November, 2012; and b) By December 18, 2012, MES will re-calculate the petitioner's cost share retroactive to November 1, 2012 including an average of her shelter utility deduction, and send an updated and new notice to the petitioner.

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 9th day of January, 2013

\sGary M. Wolkstein
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 January 9, 2013.

Milwaukee Enrollment Services
Bureau of Long-Term Support