



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

MAP/147275

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**PRELIMINARY RECITALS**

Pursuant to a petition filed February 12, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Winnebago County Department of Human Services in regard to Medical Assistance, a telephonic hearing was held on March 12, 2013, at Oshkosh, Wisconsin.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Petitioner's Representative:

Attorney Benjamin M. Adams  
Adams & Woodrow, S.C.  
301 Nicolet Blvd.  
Neenah, WI 54956-2756

Respondent:

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

By: Leslie Vosters, fair hearing coordinator  
Winnebago County Department of Human Services  
220 Washington Ave.  
PO Box 2187  
Oshkosh, WI 54903-2187

**ADMINISTRATIVE LAW JUDGE:**

Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Winnebago County who was eligible for the Medicaid Purchase Plan (MAPP) and the Family Care Program (FCP) benefits.

2. The county agency sent a notice to the petitioner incorrectly discontinuing her MAPP benefits effective December 1, 2012.
3. The county agency sent a notice to the petitioner incorrectly discontinuing her Family Care Program (FCP) benefits effective March 1, 2013.
4. During the March 12, 2013 hearing, the county agency representative (Leslie Vosters) and petitioner's representative, Attorney Benjamin Adams, stipulated to the following: a) due to agency error, the county agency incorrectly discontinued the petitioner's MAPP benefits effective December 1, 2012; b) due to agency error, the county agency incorrectly discontinued the petitioner's Family Care program (FCP) benefits effective March 1, 2013; c) due to agency error, the petitioner owes no additional MAPP premium or FCP cost share for either program for the months of December, 2012, January, 2013, and February, 2013; d) both parties agree that the petitioner was eligible and should be re-enrolled in the MAPP program as of December 1, 2012 and the FCP program as of March 1, 2013 due to agency errors; and e) the petitioner agrees that this stipulation fully addresses all remaining issues for Case No. MAP/147275, and there is no longer any issues remaining in dispute in this appeal.

**THEREFORE, it is**

**ORDERED**

The matter is remanded to the county agency (**Attention: Leslie Vosters**) with instructions to: a) re-enroll and restore the petitioner's MAPP benefits retroactive to December 1, 2012 due to agency errors; b) re-enroll and restore the petitioner's FCP benefits retroactive to March 1, 2013 due to agency errors; and c) certify that petitioner does not owe any additional MAPP premium or FCP cost share for the months of December, 2012, January, 2013, and February, 2013, within 10 days of the date of this Decision.

### **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 13th day of March, 2013

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\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 March 13, 2013.

Winnebago County Department of Human Services  
Division of Health Care Access and Accountability  
[ben@adamswoodrowlaw.com](mailto:ben@adamswoodrowlaw.com)