



FH



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

In the Matter of



DECISION

MGE/149319

PRELIMINARY RECITALS

Pursuant to a petition filed May 13, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Kenosha County Human Service Department in regard to Medical Assistance, a hearing was held on June 04, 2013, at Kenosha, Wisconsin.

The issue for determination is whether Petitioner abandoned his appeal.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Karen Mayer, Fair Hearing Representative
Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

DISCUSSION

Petitioner filed a request for fair hearing because his application for health care benefits was denied. During the telephone hearing, Petitioner indicated that the Division of Hearings and Appeals (DHA) should have all the medical records that he's submitted over the years. I informed Petitioner that DHA was a separate agency from the Department of Health Services and that he would need to submit his medical records, if he wanted them to be taken into consideration. At that point, either the phone connection was lost or Petitioner hung-up. At 9:55, I attempted to call Petitioner back and got his voice-mail. A message was left to contact me within 15 minutes or his appeal would be considered abandoned. At 10:10, I attempted to call Petitioner again. His phone rang several times and his voice mail again picked up. Petitioner was informed that his appeal was

being dismissed as abandoned, but that if he did not intend to abandon his appeal, he needed to contact DHA in writing. Petitioner was further informed to contact me if he had any other question or concerns. By 1:00 p.m. Petitioner did not call back with any questions or concerns.

CONCLUSIONS OF LAW

Petitioner abandoned his appeal.

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 Milwaukee,
Wisconsin, this 4th day of June, 2013.

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

David H. Schwarz
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Madison, WI 53705-5400

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Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on June 4, 2013.

Kenosha County Human Service Department
Division of Health Care Access and Accountability



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