



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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FCP/151122

PRELIMINARY RECITALS

Pursuant to a petition filed August 02, 2013, under Wis. Admin. Code § DHS 10.55, to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a telephonic hearing was held on October 02, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether Milwaukee Enrollment Services (MES) needs to re-calculate the petitioner’s Family Care Program (FCP) cost share as of September 1, 2013 based upon updated medical remedials provided by petitioner.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Lillian Alford, quality improvement supervisor
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.
2. The petitioner is enrolled in the Family Care Program (FCP).
3. The petitioner participated in her Family Care Program renewal review during July, 2013.

4. The Milwaukee Enrollment Services (MES) sent a July 24, 2013 Notice of Decision to the petitioner stating that her Family Care Program cost share would increase to \$427.00 as of September 1, 2013 because it was waiting for petitioner's new medical remedial verification and thus at that point was not counting any medical remedials in calculating her FCP cost share. See Exhibit 1.
5. The petitioner's daughter and POA, [REDACTED] [REDACTED], did timely send to MES the petitioner's medical remedials, and those medical remedials were received by MES on August 8, 2013.
6. During the October 2, 2013 hearing, the petitioner's representative, [REDACTED] [REDACTED], and the MES representative, HSPC Brian Williams, stipulated to the following: a) the petitioner's representative timely submitted to MES the verification of her medical remedial expenses to be applied as income deductions in calculating petitioner's cost share as of September 1, 2013; b) MES will review the new information and re-calculate the petitioner's cost share retroactive to September 1, 2013; and c) MES will promptly issue a new, updated notice of decision to the petitioner with a detailed statement of the calculation of her Family Care Program (FCP) cost share amount as of September 1, 2013.

THEREFORE, it is

ORDERED

The matter is remanded to the petitioner's representative ([REDACTED] [REDACTED]) and MES (**Attention: HSPC senior Bryan Williams**) with the following instructions: a) MES will review the petitioner's verification of her medical remedial expenses in calculating petitioner's FCP cost share, and re-calculate the petitioner's FCP cost share retroactive to September 1, 2013; and b) MES will issue a new, updated notice of decision to the petitioner with a detailed statement of the calculation of her Family Care cost share amount as of September 1, 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 25th day of October, 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 October 25, 2013.

Milwaukee Enrollment Services
Office of Family Care Expansion