



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

BCS/151757

PRELIMINARY RECITALS

Pursuant to a petition filed August 27, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Sheboygan County Department of Human Services in regard to Medical Assistance, a hearing was held on October 08, 2013, at Sheboygan, Wisconsin.

There is no issue for determination.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Petitioner's Representative:



Respondent:

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

By: Mitch Birkey

Sheboygan County Department of Human Services
3620 Wilgus Ave
Sheboygan, WI 53081

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Sheboygan County.
2. On October 4, 2012, Petitioner's mother, MR, submitted an online application. No request to backdate benefits was made at the time of application. The Petitioner was open for benefits from October, 2012 - July 2013.

3. On July 17, 2013, the Petitioner's case was closed due to failure to provide verification.
4. On July 22, 2013, a request for backdate for September, 2012 was submitted. The agency denied the request on the grounds that the Petitioner's case was closed.
5. On September 25, 2013, the agency determined that the request for backdate for September, 2012 could be considered and requested income verification for September, 2012 from the Petitioner.

### **DISCUSSION**

The Petitioner's authorized representative testified that the issue for appeal was whether the Petitioner's coverage could be backdated for September, 2012. Subsequent to filing the appeal, the agency determined it could consider the request for backdating. The decision on coverage for the Petitioner for September, 2012 is pending. The agency will issue a Notice of Decision to the Petitioner when a determination is made.

Because the issue of backdating coverage for September, 2012 is resolved, there is no issue for determination. The Petitioner's representative was advised that if the Petitioner disagrees with the agency's determination to be issued regarding coverage for September, 2012, a new appeal should be filed.

### **CONCLUSIONS OF LAW**

There is no issue for determination.

**THEREFORE, it is** **ORDERED**

That the petition be, and hereby 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 9th day of October, 2013

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\sDebra Bursinger  
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 9, 2013.

Sheboygan County Department of Human Services  
Division of Health Care Access and Accountability  
[ssamsa@hrserase.com](mailto:ssamsa@hrserase.com)