



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

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In the Matter of

██████████  
c/o ██████████  
██████████  
██████████ 9761

DECISION

MOP/151905

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On September 9, 2013, the above-named petitioner (CARES # ██████████) requested a Hearing. A Hearing was scheduled for November 11, 2013. By agreement of all parties the November 11<sup>th</sup> Hearing was rescheduled to November 14, 2013. On November 14, 2013 a Hearing was held via telephone. At the November 14<sup>th</sup> Hearing a briefing schedule was set. The briefing schedule was to close on January 6, 2014. The parties entered into stipulated agreement entitled *Stipulated Dismissal* and dated December 18, 2013. Fond du Lac County ["County"] was represented by William J. Bendt, Esq., Corporation Counsel. Petitioner was represented by Meghan M. Teigen, Esq. The December 18, 2013 *Stipulated Dismissal* provides, in part, as follows: "The parties agree that Petitioner was not ineligible for Medicaid and is therefore not liable for any overpayment. Neither party is seeking recovery of costs or fess associated with this action."

**NOW, THEREFORE**, it is

**ORDERED**

That, pursuant to the terms of the December 18, 2013 *Stipulated Dismissal*, this matter is REMANDED to the County, and it is ORDERED that the County NOT establish the following 9 Claims against petitioner for alleged overpayments of Medical Assistance ["MA"] in the total amount of \$238,994.62 covering the time period June 1, 2005 to July 31, 2013, immediately and permanently cease all efforts to collect on those 9 Claims, and, within 10 days of the date of this *Decision*, send a letter to petitioner and petitioner's attorney stating that it has done all of those things:

Claim # ██████████ \$27,487.25;  
Claim # ██████████ \$29,126.17;  
Claim # ██████████ \$30,068.40;  
Claim # ██████████ \$34,469.45;  
Claim # ██████████ \$35,643.39;  
Claim # ██████████ \$36,608.63;  
Claim # ██████████ \$18,201.34;  
Claim # ██████████ \$21,547.72; and,  
Claim # ██████████ \$5,842.27.

**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 OF 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 Wisconsin Statutes § 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 filed no more than 30 days after the date of this hearing decision (or 30 days after a denial of a rehearing, if you ask for one).

For purposes of appeal to Circuit Court, the respondent in this matter is the Department of Health Services. Appeals must be served on the Office of the Secretary of that Department, either personally or by certified mail no more than 30 days after the date of this hearing decision. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin, 53703.

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 Wisconsin Statutes §§ 227.52 and 227.53.

Given under my hand at the City of Madison,  
Wisconsin, this 19th day of December, 2013

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\sSean Maloney  
Administrative Law Judge  
Division of Hearings and Appeals

cc:



## State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on December 19, 2013.

Fond Du Lac County Department of Social Services  
Public Assistance Collection Unit  
Division of Health Care Access and Accountability  
[meghan.teigen@gwaar.org](mailto:meghan.teigen@gwaar.org)