



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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CWK/152178

PRELIMINARY RECITALS

Pursuant to a petition filed September 19, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Family Support & Resource Center in regard to Medical Assistance, a hearing was held on December 16, 2013, at Madison, Wisconsin.

The issue for determination is whether the Department erred in its termination of CLTS enrollment due to failure to complete program requirements.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Angela Radloff (in writing)
Dane County Dept. of Human Services
1202 Northport Drive
Madison, WI 53704

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Dane County.
2. Petitioner has been receiving services under the Childrens' Long Term Support Waiver.

3. Petitioner was due for a review of eligibility in January 2013.
4. Since that time the program has had chronic difficulty contacting petitioner's family for in-person meetings or telephone conversations or to have the family provide documentation. The family has failed to return numerous telephone calls.
5. In July 2013, despite diligent efforts from the case manager (including visiting the home and offering to come back to the home another time), the petitioner did not meet with program staff to complete required paperwork for continuing eligibility.
6. On July 31, 2013, the program sent a letter to petitioner informing him of termination from the CLTS program.

DISCUSSION

The agency makes a convincing case that petitioner and his family have failed to stay in regular contact with the program, that they have missed meetings, failed to return telephone calls, and overall been uncooperative communication for quite some time. I recognize that the family is primarily Spanish-speaking. But, the family also has resources available to assist it with communication (it provided its own interpreter for this hearing). And, I am certain that Dane County Human Services has Spanish-speaking staff available.

Petitioner provided various excuses for the shortfalls – she was working, that she made calls and did not get through, and, most significantly, that petitioner was battling depression and was unable to reach out and function fully. But, the petitioner must be at least as vigilant in ensuring the enrollment requirements are met as the agency worker is. There was no vigilance here. The failures go on for at least 6 months.

In order to continue receiving public benefits, there needs to be some minimal level of cooperation by the recipient. There appears to have been less than that in this case and I cannot fault the agency as it appears that the agency made continual attempts over a long period to ensure continued eligibility. Petitioner and his family simply did not put out the same effort.

CONCLUSIONS OF LAW

Petitioner and his family failed to stay in touch with the program representatives and failed to complete program requirements for continued eligibility.

THEREFORE, it is

ORDERED

That this appeal 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 [REDACTED] Street, Room 651, 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 27th day of December, 2013

\sJohn P. Tedesco
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 December 27, 2013.

Family Support & Resource Center
Bureau of Long-Term Support