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

In the Matter of

██████ ██████
██████████████████
██████████████████

DECISION

COP/151842

PRELIMINARY RECITALS

Pursuant to a petition filed September 03, 2013, under Wis. Stat. § 46.27(7m), Wis. Stat. § 227.42 and Wis. Admin. Code § HA 3.03(1), to review a decision by the La Crosse County Department of Human Services in regard to Medical Assistance, a telephonic hearing was held on October 28, 2013, at La Crosse, Wisconsin. At the request of the parties, the record was held open for a statement of concerns by the petitioner and then for a response by the COP Waiver program manager. Both parties timely submitted their statements to DHA which are received into the record.

The issue for determination is whether there is any remaining issue in dispute regarding the petitioner's Community Option Waiver program services and benefits.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

██████ ██████
██████████████████
██████████████████

Respondent:

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

By: Greg Nekoli, social worker
La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54602

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of La Crosse County who is enrolled in the La Crosse County Community Options Program (COP).
2. During the past 16 years, the petitioner received funding through the ORC Industries Work Services program (sheltered workshop).
3. La Crosse County social worker, Greg Nekoli sent an August 7, 2013 letter to the petitioner stating that her COP funding would be reduced due to her progress in her vocational plans, and her ability to obtain “competitive employment.” That decision was based upon a very favorable ORC program plan review indicating petitioner is basically ready for competitive employment.
4. As of about September 12, 2013, petitioner began working about 28 hours per week at [REDACTED] at \$7.65 per hour.
5. The county agency sent a notice to petitioner that her COP funding solely for the ORC sheltered workshop would be reduced as of September, 2013 and discontinued as of about December 31, 2013.
6. The petitioner is concerned about her future employment at [REDACTED] and whether the reduction of her sheltered workshop funding could possibly place her at some employment risk in the future.
7. During the October 28, 2013 hearing, the La Crosse County manager [REDACTED] [REDACTED] social worker Greg Nekoli and other county workers attempted to reassure petitioner that many of her COP Waiver services would continue.
8. In her October 30, 2013 statement, petitioner expressed the following concerns regarding the COP funding of her ORC sheltered workshop employment: a) petitioner’s [REDACTED] position is a “temporary” position of about six months after her September 16, 2013 hire date, and there is no “guarantee” that her employment will continue at [REDACTED] [REDACTED] after March 12, 2014; b) she continues to need COP housing assistance; c) In June, 2014, petitioner intends to look for a more affordable apartment; and d) when her ORC Industries ends, her Social Security may end also.
9. In his November 6, 2013 responsive letter, La Cross manager [REDACTED] [REDACTED] addressed the petitioner’s concerns and provided reassurance for appropriate continued COP Waiver services: a) petitioner will remain in the COP Waiver program as long as she remains interested in and eligible for COP; b) As a COP member, the COP program has an obligation to ensure that petitioner’s food, shelter, and supportive services needs are met; c) the provision of COP services for petitioner is dependent upon her current and future needs, and her services will change based upon her established needs; d) the COP Wavier program will continue to provide needed services to petitioner even while she is employed at [REDACTED]; e) COP housing assistance is available when needed to supplement her income and remain in safe and affordable housing even while employed at [REDACTED]; f) COP and her case management program will continue to ensure that petitioner’s support and wellness needs are met.

DISCUSSION

The petitioner was unable to establish any remaining issue in dispute regarding her current and anticipated future Community Option Waiver program services as stated in Finding of Fact #8 above, because the COP Waiver program has confirmed that it will meet the petitioner’s current and future eligible COP needs as indicated in Finding of Fact # 9 above.

CONCLUSIONS OF LAW

There is no longer any remaining issue in dispute regarding the petitioner's Community Option Waiver program services and benefits for this appeal as the COP Waiver program has stipulated to meet the petitioner's COP Waiver services needs while she remains eligible for that program.

THEREFORE, it is

ORDERED

The petition for review herein be and the same is hereby 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, 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 31st day of January, 2014

\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 January 31, 2014.

La Crosse County Department of Human Services
Bureau of Long-Term Support