



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted case name]

DECISION

MGE/155036

PRELIMINARY RECITALS

Pursuant to a petition filed January 27, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Jefferson County Department of Human Services in regard to Medical Assistance, a hearing was held on April 02, 2014, at Jefferson, Wisconsin. At the request of petitioner's representative, hearings set for March 24, 2014 and March 31, 2014 were rescheduled.

The issue for determination is whether there is any current issue in dispute regarding petitioner's eligibility for Institutional MA retroactive to the period from August 9, 2013 until her death on September 7, 2013.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted petitioner name]

Representative:

[Redacted representative name]

Respondent:

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

By: Julie Ihlenfeld, ESS
Jefferson County Department of Human Services
Workforce Development Center
874 Collins Rd.
Jefferson, WI 53549

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) was a resident of Jefferson County who resided in the nursing facility, [REDACTED], as of about August 9, 2013.
2. The petitioner had many life insurance policies.
3. On August 12, 2013, petitioner's sister and POA, [REDACTED], applied on behalf of petitioner for Institutional MA benefits retroactive to her August 9, 2013 admission to [REDACTED].
4. The petitioner died on September 7, 2013.
5. The county agency requested verification of the face value and cash value of the following: a) Pan American life insurance policy (later bought out by GPM Life), AAA life insurance policy, and verification of her gross pension.
6. The county agency sent a December 17, 2013 notice to the petitioner's estate stating that petitioner's August 12, 2013 application for MA was denied, due to failure to timely verify all assets. See Exhibit 2.
7. During the April 2, 2013 hearing, petitioner's representative established he encountered ongoing problems with obtaining verification of his mother's life insurance policies.
8. During the hearing, ESS Julie Ihlenfeld and petitioner's representative, [REDACTED], stipulated to the following: a) by November 16, 2014 Mr. [REDACTED] would submit to the county agency reliable verification of the face and cash values of petitioner's GPM Life Insurance policy as of August 12, 2013; and b) by April 30, 2014, the county agency would review that new verification, and send to the petitioner's representative a new notice of decision regarding petitioner's eligibility for Institutional MA retroactive to the period from August 9, 2013 until her death on September 7, 2013.
9. If petitioner's representative wants to contest the county agency's new notice of decision (issued about April 30, 2014), then that representative would need to submit a new appeal to the Division of Hearings and Appeals (DHA) and attach a copy of the county agency's new notice to his appeal letter.

**CONCLUSIONS OF LAW**

There is no longer any current issue in dispute regarding petitioner's eligibility for Institutional MA retroactive to the period from August 9, 2013 until her death on September 7, 2013, because the parties agreed to the stipulations set forth in Findings of Fact #8 and #9 above.

**THEREFORE, it is**

**ORDERED**

The petition for review herein be and the same is hereby Dismissed.

**REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or 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 with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 2nd day of May, 2014

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\s\sGary M. Wolkstein  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

Brian Hayes, Administrator  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on May 2, 2014.

Jefferson County Department of Human Services  
Division of Health Care Access and Accountability



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Brian Hayes, Administrator  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
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