



STATE OF WISCONSIN  
Division of Hearings and Appeals

In the Matter of

[Redacted]  
[Redacted]  
c/o [Redacted]  
[Redacted]  
[Redacted]

DECISION

CWK/155904

PRELIMINARY RECITALS

Pursuant to a petition filed March 03, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Monroe County Department of Human Services in regard to Medical Assistance, a telephonic hearing was held on June 02, 2014, at Sparta, Wisconsin. At the request of petitioner, a hearing set for April 28, 2014 was rescheduled. At the request of the parties, the record was held open for a new functional screen to be completed for petitioner, new evidence from petitioner's school, and then the county agency to issue a new notice to the petitioner regarding whether the county agency correctly discontinued the petitioner's CLTS eligibility effective February 28, 2014, due allegedly to no longer meeting the level of care (February 4, 2014 notice).

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]  
[Redacted]  
c/o [Redacted]  
[Redacted]  
[Redacted]

Representative:

[Redacted] and [Redacted], parents  
[Redacted]  
[Redacted]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703  
By: Jamie Nordin, social worker  
Monroe County Department of Human Services  
Community Services Bldg.  
14301 Cty Hwy B, Box 19  
Sparta, WI 54656-4509

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a 12 year old resident of Monroe County who resides with her parents.
2. The petitioner has received Children’s Long Term Support Home and Community-Based Services Waiver (CLTS Waiver) benefits since 2010.
3. During January, 2014 the petitioner’s parents participated in a review application on behalf of the petitioner for the Children’s Long Term Support Home and Community-Based Services Waiver (CLTS Waiver) benefits.
4. The county agency conducted a CLTS Functional Screen of the petitioner on or about January 20, 2014, and the functional screen report was issued by screener Jamie Nordin. See Exhibit 3.
5. The county agency sent a February 4, 2014 letter to the petitioner’s parents stating that the petitioner’s re-application for the Children’s Long Term Support Waiver was discontinued effective February 28, 2014, due to no longer meeting the Level of Care eligibility requirement. See Exhibit 1.
6. The county agency sent a summary letter to the Division of Hearings and Appeals (DHA) explaining the basis for February 28, 2014 discontinuance of petitioner’s review application for CLTS eligibility due to no longer meeting level of care. See Exhibit 2.
7. The petitioner’s mother filed a March 3, 2014 appeal at DHA of the petitioner’s February 28, 2014 CLTS discontinuance.
8. During the June 2, 2014, petitioner’s parents submitted substantial new evidence to support that petitioner remained eligible for the CLTS program. See Exhibits 4 and 5.
9. At the request of the parties, the record was held open for a new functional screen (rescreening) to be completed for petitioner, new evidence from petitioner’s school, and then the county agency to issue a new notice to the petitioner regarding whether the county agency correctly discontinued the petitioner’s CLTS eligibility effective February 28, 2014, due allegedly to no longer meeting the level of care. See above Preliminary Recitals.
10. County agency social worker, Jamie Nordin, sent a July 10, 2014 reconsideration summary to DHA with a copy to the petitioner’s mother. Based upon that new evidence and rescreening, Ms. Nordin stated in pertinent part: “I met with [REDACTED] [REDACTED] and her parents on June 26, 2014 to obtain information to complete a new functional screen for [REDACTED]. Parents also provided me updated school records from testing that was completed at the end of the 2013/2014 school year. After completing the functional screen with the updated information on July 9, 2014, [REDACTED] was found to be functionally eligible for the Children’s Waiver. Attached you will find a copy of the screen for review. I have included parents in this email as well.”
11. The county agency sent a July 14, 2014 Positive Notice for the petitioner stating that her CLTS application review for continued Children’s Waiver Program eligibility has been approved retroactive to February 28, 2014.

**CONCLUSIONS OF LAW**

1. The petitioner’s care needs meet the CLTS Level of Care.
2. The county agency stipulated that it will restore the petitioner’s eligibility for the CLTS Waiver as of February 28, 2014.

**THEREFORE, it is**

**ORDERED**

That the matter herein is remanded to the county agency (**Attention: Social Worker Jamie Nordin**) with instructions to restore the petitioner’s Children’s Long Term Support Home and Community-Based Services Waiver eligibility retroactive to February 28, 2014, within 10 days of the date of this Decision.

**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 15th day of August, 2014

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\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 August 15, 2014.

Monroe County Department of Human Services  
Bureau of Long-Term Support