



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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FCP/156298

PRELIMINARY RECITALS

Pursuant to a petition filed March 25, 2014, under Wis. Admin. Code § DHS 10.55, to review a decision by the Western Wisconsin Cares-Family Care Program (FCP) in regard to Medical Assistance, a telephonic hearing was held on May 05, 2014, at La Crosse, Wisconsin.

The issue for determination is whether there is any remaining issue in dispute in this case, as the parties have stipulated to an informal resolution process to resolve the March, 2014 denial of petitioner's request for Supportive Home Care (SHC) services.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: [REDACTED], care manager
Western Wisconsin Cares-Family Care Program
1407 Saint Andrew Street, Suite 100
La Crosse, WI 54603-2378

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of La Crosse County who resides in a small efficiency apartment.
2. The petitioner is enrolled in the Western Wisconsin Family Care Program (FCP).

3. On or about March 3, 2014, the petitioner requested Supportive Home Care (SHC) services to help him clean his significantly cluttered apartment caused in part due by his “dumpster diving.”
4. Until during the May 5, 2014 hearing, petitioner had not agreed to cooperate with an assessment by the Family Care Program regarding his need for Supportive Home Care services to clean his very cluttered apartment and other SHC services.
5. The Western Wisconsin Family Care Program sent a March 11, 2014 Notice of Action to the petitioner stating that his March 3, 2014 request for Support Home Care (SHC) services was denied because he was allegedly “independent” in doing his laundry, taking out his garbage, grocery shopping, and cleaning of his apartment. See Exhibit 2.
6. During the May 5, 2014 hearing, the petitioner and the Family Care program representative, [REDACTED], stipulated to the following: a) the petitioner would cooperate with a Family Care Program assessment to determine his needs for Supportive Home Care (SHC) services including cleaning his very cluttered apartment and other possible SHC services; b) **By May 27, 2014**, the petitioner and the FC program agreed to complete the petitioner’s SHC needs assessment; c) **By June 10, 2014**, the Family Care Program will review the assessment, and send a detailed notice to the petitioner regarding its approval or denial of SHC services for the petitioner. If approved, that notice should specifically state what SHC services will be provided to the petitioner and when those services will begin. If denied, that notice should specifically state why his request for SHC was denied.
7. If the Family Care Program denied SHC services to the petitioner, then if petitioner wants to appeal that new SHC denial notice, he must send a new appeal to the Division of Hearings and Appeals (DHA) with a copy of that new denial notice.

CONCLUSIONS OF LAW

There is no longer any remaining issue in dispute in this case regarding the March, 2014 denial of petitioner’s request for Supportive Home Care (SHC) services because the parties have stipulated to an informal resolution process (Finding of Fact #6 above) to resolve this appeal.

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 20th day of June, 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 June 20, 2014.

Western Wisconsin Cares-FCP
Office of Family Care Expansion