



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
c/o [REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FCP/160403

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 6, 2014, under Wis. Admin. Code § DHS 10.55, to review a decision by the Milwaukee Enrollment Services in regard to Family Care (FC) benefits, a hearing was held on October 22, 2014, at Milwaukee, Wisconsin.

The issue for determination has been resolved.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
By: [REDACTED], POA  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703  
By: Ms. Desiree Pollard-Badji  
Milwaukee Enrollment Services  
1220 W Vliet St, Room 106  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Nancy J. Gagnon (telephonically)  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. The petitioner is an ongoing FC program participant. On June 16, 2014, the agency issued written notice to the petitioner advising that her FC cost share would increase to \$104.59 effective July 1, 2014. The petitioner appealed.

3. Prior to July 2014, the petitioner was receiving a community spouse spousal income allocation of \$1,352 from her husband, who is in a nursing home. With the petitioner’s consent, the agency has now reduced the spousal allocation amount such that the petitioner will not have an FC cost share.
4. In September 2014, the agency corrected the petitioner’s FC cost share down to zero, effective July 1, 2014.
5. At hearing, the petitioner’s representative stated that she was satisfied with the zero cost share result, so no issue remained for hearing.

**DISCUSSION**

The agency increased the petitioner’s FC cost share effective July 1, 2014. In September 2014, the agency corrected the petitioner’s FC cost share down to zero, effective July 1, 2014. At hearing, the petitioner’s representative stated that she was satisfied with the zero cost share result, so no issue remained for hearing.

**CONCLUSIONS OF LAW**

1. Because the agency has reduced the petitioner’s cost share to zero effective July 1, 2014, no issue remains for resolution at hearing.

**THEREFORE, it is**

**ORDERED**

That the petition is 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 22nd day of October, 2014

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\sNancy J. Gagnon  
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 October 22, 2014.

Milwaukee Enrollment Services  
Office of Family Care Expansion