



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FCP/160952

PRELIMINARY RECITALS

Pursuant to a petition filed September 30, 2014, under Wis. Admin. Code, §DHS 10.55, to review a decision by the La Crosse County Dept. of Human Services to discontinue Family Care Program (FCP) eligibility, a hearing was held on October 16, 2014, by telephone.

No issue remains for determination.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Tom Miller

La Crosse County Dept. of Human Services
P.O. Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of La Crosse County.
2. Petitioner has received services under the FCP since early 2014. In August, 2014 the agency discovered that petitioner is married. The agency requested information concerning petitioner's husband's finances and that he sign petitioner's FCP application.
3. The information was not received. The agency informed petitioner that FCP services would end October 1, 2014. Services were continued pending this appeal.

4. Petitioner's husband has a "no contact" order issued by the La Crosse County Circuit Court. Petitioner informed the agency of the order when she filed this appeal.
5. In an e-mail after the hearing a representative of the Division of Health Care Access and Accountability allowed the agency to continue treating petitioner as a single individual rather than as married due to the court order.

DISCUSSION

Normally when a married person applies for the FCP the person's spouse must be included in the application process, sign the application, and report all income and assets. In this case that was not done at application because petitioner did not report a spouse. She appealed when the agency proposed to discontinue services.

As noted in the findings, based upon petitioner's evidence that there is a court order preventing contact between the spouses, the Department has determined that petitioner should continue to be treated as a single person, rather than as married. Thus her services should continue as before.

CONCLUSIONS OF LAW

The matter at issue has been resolved.

THEREFORE, it is

ORDERED

That the agency shall rescind the proposed discontinuance of petitioner's FCP eligibility and shall continue eligibility with her status listed as a single individual rather than married. The agency shall take the action within 10 days of this decision if it has not already done so.

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 October, 2014

\sBrian C. Schneider
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 20, 2014.

La Crosse County Department of Human Services
Office of Family Care Expansion