



FH

Redact

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

In the Matter of

Redact
Redact

DECISION

MOP/162065

PRELIMINARY RECITALS

Pursuant to a petition filed November 17, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Public Assistance Collection Unit in regard to Medical Assistance, a hearing was scheduled for December 16, 2014, at Madison, Wisconsin.

No issue remains for determination, as the respondent withdrew is overpayment claims prior to hearing.

PARTIES IN INTEREST:

Petitioner:

Redact
Redact

Respondent:

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

By: Redact Redact

Public Assistance Collection Unit
P.O. Box 8939
Madison, WI 53708-8938

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

DISCUSSION

Petitioner (CARES # Redact) filed this appeal to contest a medical assistance overpayment asserted by the respondent.

The respondent sent a request via email early morning on December 16, 2014, seeking to withdraw its case. The respondent wrote:

I would like request a withdrawal for today’s hearing at 9:00am with ALJ Peter McCombs and [Redact] [Redact]. I need to gather some additional information before presenting our case. Once I collect the additional documents, I would like to resubmit a request a hearing at a later date.

[Redact] email, 12/16/2014, 7:14 AM.

This request was denied via response email indicating that,

I am unable to approve your request for a withdrawal, as these Requests for Hearing were filed by Ms. [Redact]. As such, only Ms. [Redact] can withdraw the Fair Hearing request. This is an overpayment case, and Ms. [Redact] is appealing from your overpayment notice. This is not an Intentional Program Violation matter initiated by the Department, which would provide the Department with the ability to withdraw.

McCombs email 12/16/2014, 8:06 AM. Subsequently that day, and prior to the scheduled hearing, this Administrative Law Judge spoke via telephone with the respondent, by [Redact] [Redact], who indicated that a hearing would no longer be necessary as the respondent was withdrawing its overpayment claims. This information was verbally relayed to the petitioner as well.

I thus will remand this matter to the respondent to rescind the overpayment in accordance with the information provided to me telephonically by Mr. [Redact].

THEREFORE, it is

ORDERED

That this matter shall be remanded to the respondent to rescind the petitioner’s liability for the following Medical Assistance overpayments:

- [Redact] \$ 2,117.07
- [Redact] \$10,147.24
- [Redact] \$ 2,586.42, and
- [Redact] \$ 1,947.44

All actions required by this Order shall be completed within 10 days following issuance 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 22nd day of December, 2014.

\sPeter McCombs
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
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on December 22, 2014.

Public Assistance Collection Unit
Public Assistance Collection Unit
Division of Health Care Access and Accountability