



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MGE/159092

PRELIMINARY RECITALS

Pursuant to a petition filed July 17, 2014, under Wis. Stat. §49.45(5), and Wis. Admin. Code §HA 3.03(1), to review a decision by the Racine County Department of Human Services in regard to Medical Assistance (MA), a hearing was held on October 16, 2014. That hearing was continued to another date to allow the agency more time to review the evidence and provide relevant documentation for the hearing. The agency’s representative at that time was Gail Heaslet. The hearing was continued to December 11, 2014. At that time the agency was represented by Virginia Chabrier as Ms. Heaslet was unavailable. At that hearing, the parties agreed to have the agency re-review and redetermine the petitioner’s MA application by December 18, 2014. The agency did so, but still required more information and the parties continued negotiations through until January 21, 2015, at which time the agency advised petitioner’s attorney and this ALJ that petitioner’s application of May 30, 2014 was approved.

There is no issue for determination.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Petitioner's Representative:

Attorney Peter Walsh
111 E Wisconsin Ave., Suite 1400
Milwaukee, WI 53202-4870

Respondent:

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

By: Gail Heaslet and Virginia Chabrier
Racine County Department of Human Services
1717 Taylor Ave
Racine, WI 53403-2497

ADMINISTRATIVE LAW JUDGE:

Kelly Cochrane
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Racine County.
2. Petitioner applied for Institutional MA on May 30, 2014 seeking eligibility to begin that month.
3. Petitioner was institutionalized on February 19, 2014. He has a community spouse.
4. On July 1, 2014 the agency issued a notice of decision stating that the MA application was denied due to excess assets.
5. On January 21, 2015, the agency issued a notice of decision stating that petitioner's application of May 30, 2014 was approved.

DISCUSSION

This matter was originally heard on October 16, 2014. At that time the parties discussed the asset issues, testimony was taken and some evidence received into the record. However the agency's representative was unable to articulate its position on the asset assessment made at the time of application and had not provided its exhibits prior to hearing for review at hearing. The hearing was therefore continued to another date to allow the agency time to produce the relevant documents and prepare for another day of hearing. The second hearing was held on December 11, 2014. At the appointed time, the agency's representative from the first hearing did not make herself available and had not provided the requested exhibits. Another representative happened to answer their phone and attempted to present the agency's case, but was unable to provide additional information as she was not the representative meant to appear for the hearing. She agreed to review the asset information again and re-evaluate the MA application within a week. The parties continued to negotiate the matter after the second day of hearing. On January 21, 2015, the agency issued a notice of decision stating that petitioner's application of May 30, 2014 was approved. As such, there is no issue for determination.

CONCLUSIONS OF LAW

The matter is moot.

THEREFORE, it is

ORDERED

The petition for review herein 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 Milwaukee,
Wisconsin, this 30th day of January, 2015

\sKelly Cochrane
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 January 30, 2015.

Racine County Department of Human Services
Division of Health Care Access and Accountability
Attorney Peter Walsh