



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redact
Redact
Redact

DECISION

BCS/161503

PRELIMINARY RECITALS

Pursuant to a petition filed October 27, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Lafayette County Department of Human Services in regard to Medical Assistance, a hearing was held on December 11, 2014, at Darlington, Wisconsin.

The issue for determination is whether there is any issue for determination.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

Redact
Redact
Redact

Respondent:

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

By: Redact

Lafayette County Department of Human Services
627 Main Street
Darlington, WI 53530

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # Redact) is a resident of Lafayette County.
2. Redact and Redact t are spouses. They are in a household with 2 children.
3. When Redact applied for benefits, the agency did not budget income for her husband Redact. The case underwent a review in March 2013. No income was reported for Redact t.

4. [Redacted] became employed in November. His income was not reported. This employment terminated in February and his income ceased on March 2014.
5. The agency issued a notice indicating petitioner’s liability for a MA overpayment in claim 1900413891 in the amount of \$696.
6. The agency issued a notice indicating petitioner’s liability for a FS overpayment claim in the amount of \$1,652 in claim number [Redacted].
7. Petitioner appealed.

DISCUSSION

Petitioner filed a request for hearing on 10/27/14 indicating “benefit amount reduced” and “overpayment. Overpayment matters relating to FS and MA were heard relating to [Redacted] as petitioner and also [Redacted] as petitioner. Those matters have been disposed of in other decisions.

At hearing, petitioner articulated this “BCS” appeal as pertaining to whether the agency was correct in its determination that the family owed a premium. But, this question was the crux of the MA overpayment case. There was no separate agency action of that nature. Furthermore, because [Redacted] income from [Redacted] that caused that determination of a premium ceased in March 2014, there is no remaining adverse action.

There was no adverse action separate from the overpayment appealed from.

CONCLUSIONS OF LAW

There is no issue for determination by the Division.

THEREFORE, it is ORDERED

That this matter 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 8th day of January, 2015

\sJohn P. Tedesco
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 8, 2015.

Lafayette County Department of Human Services
Division of Health Care Access and Accountability