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

In the Matter of

██████████ ██████████
████████████████████
████████████████████████████████████████

DECISION

MGE/161619

PRELIMINARY RECITALS

Pursuant to a petition filed October 30, 2014, under Wis. Stat., §49.45(5), to review a decision by Milwaukee Enrollment Services in regard to Medical Assistance (MA), a hearing was held on March 3, 2015, by telephone. Hearings set for December 3, 2104, January 7, and February 4, 2015 were rescheduled at the petitioner's request.

No issue remains for determination.

PARTIES IN INTEREST:

Petitioner:

██████████ ██████████
████████████████████
████████████████████████████████████████

Petitioner's Representative:

Atty. Mitchell Ronningen
Burgeon Legal Group
237 Willbrook Blvd., Unit A
Pawleys Island, SC 29585

Respondent:

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

By: Desiree Pollard-Dadji
Milwaukee Enrollment Services
1220 W. Vliet St.
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

DISCUSSION

Petitioner (CARES # ██████████) filed this appeal seeking nursing home MA coverage back to April 1, 2014 (eligibility already is granted beginning August 1, 2014). At the hearing Ms. Pollard-Dadji agreed that petitioner could be found eligible back to that date as the denial of MA based upon a July, 2014 application for failure to verify could be reversed due to a guardianship matter that was filed. Because the agency agreed to the eligibility, no issue remains for determination.

THEREFORE, it is

ORDERED

That the matter be remanded to the agency with instructions to certify petitioner as eligible for nursing home MA for the period April 1 through July 31, 2014, 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 4th day of March, 2015

\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 March 4, 2015.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability
Attorney Mitchell Ronningen