



FH  
[REDACTED]

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

---

In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FCP/164037

---

**PRELIMINARY RECITALS**

Pursuant to a petition filed February 18, 2015, under Wis. Admin. Code § DHS 10.55, to review a decision by the Waukesha County Health and Human Services in regard to Medical Assistance, a hearing was held on March 19, 2015, at Waukesha, Wisconsin.

There remains no issue for determination.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: Julie Miller

Waukesha County Health and Human Services  
514 Riverview Avenue  
Waukesha, WI 53188

**ADMINISTRATIVE LAW JUDGE:**

Corinne Balter  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [REDACTED]) is a resident of Waukesha County.
2. In January 2015 the petitioner completed a renewal.

3. On February 17, 2015 the agency sent the petitioner a notice stating that as of February 1, 2015 she was not eligible for healthcare coverage because her assets were over the program limit.
4. On February 19, 2015 the Division of Hearings and Appeals received the petitioner's request for fair hearing.
5. Following the hearing the record remained open. During this open record period, on March 20, 2015 the agency sent the petitioner a notice stating that as of February 1, 2015 she was enrolled in the same healthcare coverage that she had prior to her renewal. Thus, the petitioner has remained open with no gaps in her healthcare coverage.

### DISCUSSION

The Family Care program, which is supervised by the Department of Health Services, is designed to provide appropriate long-term care services for elderly or disabled adults. It is authorized in the Wisconsin Statutes, §46.286, and is described comprehensively in the Wisconsin Administrative Code, Chapter DHS 10. FCP, like regular Medical Assistance (MA), has an asset limit. Wis. Stat., §46.286(1)(b)2m.a; Wis. Admin. Code, §DHS 10.34(2).

In this case the agency sent the petitioner notice that she was not was being terminated from the program because she was over the asset limit. At issue was a life insurance policy. After receiving this notice, the petitioner's husband assigned the life insurance policy to a funeral home. Following the hearing, the petitioner's husband provided the necessary verification to the agency. The agency determined that the petitioner's assets were not over the program limit, and sent her a subsequent notice stating that she was enrolled in her healthcare coverage effective February 1, 2015. The petitioner has remained open and eligible for family care with no gaps in coverage, and there remains no issue for determination.

### CONCLUSIONS OF LAW

The petitioner's appeal is moot as a matter of fact and law.

**THEREFORE, it is**

**ORDERED**

That the petition 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 Milwaukee,  
Wisconsin, this 7th day of April, 2015

---

\sCorinne Balter  
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](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on April 7, 2015.

Waukesha County Health and Human Services  
Office of Family Care Expansion