



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

In the Matter of:

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MOP/164228

PRELIMINARY RECITALS

Pursuant to a petition filed February 26, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Rock County Department of Social Services [“County”] in regard to Medical Assistance [“MA”], a Hearing was held via telephone on April 8, 2015. The Hearing for this matter was held at the same time as the Hearing for the following closely related matter concerning petitioner’s wife: MOP-164227.

The issue for determination is whether the following Claim can be established against petitioner for MA overpayments in the total amount of \$961.54 covering the time period October 1, 2013 to February 28, 2014: Claim # [REDACTED].

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED] (not present at April 8, 2015
Hearing)
[REDACTED]
[REDACTED]

Represented by:

[REDACTED], petitioner’s wife
[REDACTED]
[REDACTED]

Respondent:

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

BY: Laura Middleton, ESS Overpayment Specialist
Rock County Department of Social Services
1900 Center Avenue
PO Box 1649
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County, Wisconsin.
2. The County established the following Claim against petitioner for MA overpayments in the total amount of \$961.54 covering the time period October 1, 2013 to February 28, 2014: Claim # [REDACTED].
3. Petitioner does not dispute the overpayment Claim detailed in *Findings of Fact #2*, above, with regard to himself; he does dispute that overpayment Claim with regard to his wife.
4. The overpayment Claim detailed in *Findings of Fact #2*, above, has been reversed with regard to petitioner's wife. See, DHA Case No. MOP-164227 (Wis. Div. Hearings & Appeals April 28, 2015) (DHS).
5. The reversal of the overpayment Claim detailed in *Findings of Fact #2*, above, with regard to petitioner's wife will lower the amount that petitioner himself must repay.

DISCUSSION

The County acknowledges that the reversal of the overpayment Claim detailed in *Findings of Fact #2*, above, with regard to petitioner's wife will lower the amount that petitioner himself must repay. Therefore, the amount petitioner owes must be recalculated.

CONCLUSIONS OF LAW

For the reasons discussed above, the County may establish the following Claim against petitioner for MA overpayments covering the time period October 1, 2013 to February 28, 2014: Claim # [REDACTED]. The amount of the overpayment Claim is less than \$961.54 and must be recalculated in light of DHA Case No. MOP-164227 (Wis. Div. Hearings & Appeals April 28, 2015) (DHS).

THEREFORE, it is

ORDERED

That this matter be REMANDED to the County, that, within 10 days of the date of this *Decision*, the County recalculate the amount of the following Claim that was established against petitioner for MA overpayments covering the time period October 1, 2013 to February 28, 2014: Claim # [REDACTED]. The amount of the overpayment Claim is less than \$961.54 and must be recalculated in light of DHA Case No. MOP-164227 (Wis. Div. Hearings & Appeals April 28, 2015) (DHS). A new notice of overpayment, with appeal rights, must be sent to petitioner after the recalculation is complete. All of this must be done within 10 days of the date 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 28th day of April, 2015

\sSean P. Maloney
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 April 28, 2015.

Rock County Department of Social Services
Public Assistance Collection Unit
Division of Health Care Access and Accountability