



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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MAC/169382

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**PRELIMINARY RECITALS**

Pursuant to a petition filed October 13, 2015, under Wis. Stat. § 49.497(1m)(a), to review a decision by the Public Assistance Collection Unit (PACU) to issue an order to compel payment of a Medical Assistance (MA) overpayment, a hearing was held on November 18, 2015, by telephone.

No issue remains for determination.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

|

Respondent:

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

By: [REDACTED]  
Rock County Dept. of Social Services  
P.O. Box 1649  
Janesville, WI 53546

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of California. She formerly resided in Rock County.
2. Using a state wage match, the county determined that petitioner and her husband were overpaid \$474.98 in MA September and October, 2013 due to unreported wages. The county sent a notice of the overpayment to petitioner's last known address in Fresno, CA. Petitioner had moved from that address and did not receive the notice.

3. On September 18, 2015 the PACU sent a Notice to Compel Payment to the overpayment to petitioner's current address. Petitioner appealed.
4. During and after the hearing it was determined that the state wage match was incorrect. Petitioner's husband did not have earned income from [REDACTED] in late 2013; she last worked there in 2012.
5. The county agency agreed to rescind the overpayment based upon the new information.

### DISCUSSION

Wis. Stat., §49.497(1m)(a) provides that if, after notice of incorrect payment is made, a recipient who is liable for an incorrect payment fails to repay the incorrect payment or enter into, or comply with, an agreement for repayment than the State of Wisconsin may bring an action to enforce the liability or may issue an order to compel payment of the liability. In this case the department has issued an order to compel payment of the liability. Petitioner can appeal, but according to the law the only issues that can be addressed are whether she paid off the overpayment, or whether she has entered into a repayment agreement and complied with it.

Although the issue in this appeal is limited, it became evident during and after the hearing that the state wage match upon which the overpayment was based was incorrect. Therefore the Rock County agency agreed to rescind the overpayment. I will dismiss this appeal because of the issue preclusion, but petitioner can be assured that the overpayment claim also is being reversed.

### CONCLUSIONS OF LAW

No matter remains for determination; the overpayment at issue has been rescinded.

**THEREFORE, it is**

**ORDERED**

That the petition for review 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 the Rock County Circuit Court. 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 December, 2015

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\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 December 8, 2015.

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