FH
[redacted]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[redacted]

DECISION

MAC/169461

PRELIMINARY RECITALS

Pursuant to a petition filed October 13, 2015, under Wis. Stat. § 49.497(1m)(a), to review a decision by the Racine County Department of Human Services in regard to Medical Assistance, a hearing was held on November 12, 2015, at Racine, Wisconsin.

There is no issue for determination.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:
Petitioner:

[redacted]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703
By: Jelena Jones
Racine County Department of Human Services
1717 Taylor Ave
Racine, WI 53403-2497

ADMINISTRATIVE LAW JUDGE:
Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [redacted]) is a resident of Racine County.
2. On February 19, 2015, the agency issued a FS overpayment notice to the Petitioner informing her that the agency intends to recover an overissuance of FS benefits as follows:

   10/1/2012 – 9/30/2013 $2,337.00

10/1/2013 – 3/31/2014	$1,496.00
10/1/2014 – 12/31/2014	$1,533.00
1/21/2015 – 1/31/2015	$ 65.00

3. The agency alleged the overissuance was due to the Petitioner's failure to report earned income.
4. On April 2, 2015, May 4, 2015 and June 2, 2015, the agency issued dunning notices to the Petitioner.
5. On September 18, 2015, the agency issued a Notice of Administrative Action/Order to Compel Payment to the Petitioner.
6. On October 13, 2015, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

At the hearing, the agency presented its case, asserting an issue of timeliness of the Petitioner's appeal as well as the basis for the FS overpayment.

The Petitioner testified that she does not dispute the overpayment. She did not understand the Notice of Administrative Action/Order to Compel. She stated that she wants to discuss a repayment schedule with the agency. The Notice of Administrative Action was explained to the Petitioner and she was advised to contact the Public Assistance Collections Unit about arranging a repayment schedule.

Because the Petitioner does not dispute the agency's overpayment or Notice of Administrative Action, there is no issue for determination at this time.

CONCLUSIONS OF LAW

There is no issue for determination.

THEREFORE, it is **ORDERED**

That the Petitioner's appeal 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 3rd day of December, 2015

\sDebra Bursinger
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
Internet: http://dha.state.wi.us

The preceding decision was sent to the following parties on December 3, 2015.

Racine County Department of Human Services
Public Assistance Collection Unit
Division of Health Care Access and Accountability