



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

In the Matter of

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

DECISION

MLL/173255

PRELIMINARY RECITALS

Pursuant to a petition filed March 30, 2016, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability (DHCAA) in regard to Medical Assistance (MA), a hearing was scheduled on May 11, 2016, at La Crosse, Wisconsin, with the parties appearing by telephone.

No issue remains for determination.

PARTIES IN INTEREST:

Petitioner:

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

Petitioner's Representative:

Attorney ██████████
██████████████████
██████████████████
██████████████████

Respondent:

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

By: ██████████
Division of Health Care Access and Accountability

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

DISCUSSION

Petitioner filed this appeal to contest the inclusion of a residence located in Stoddard, Wisconsin in the MA lien claim against the property of a deceased MA recipient under Wis. Stat., §49.849. Prior to the hearing the DHCAA representative confirmed that the residence in question is not included in the lien claim because it was transferred prior to the MA recipient's death. See April 7, 2016 letter from ██████████ ██████████ Lead Estate Recovery Specialist Senior. Petitioner agreed that the matter was resolved, and I thus will dismiss the appeal because the agency already has disclaimed interest in the property; there is no need for this office to order the agency to take an action. Petitioner is working with the agency in regard to other assets covered by the lien.

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 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 12th day of May, 2016

\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 May 12, 2016.

Division of Health Care Access and Accountability
Attorney [REDACTED]