



STATE OF WISCONSIN  
Division of Hearings and Appeals

In the Matter of



DECISION

MPA/173715

**PRELIMINARY RECITALS**

Pursuant to a petition filed April 14, 2016, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance (MA), a hearing was held on May 20, 2016, at Eau Claire, Wisconsin.

There is no issue for determination because the department has agreed to pay for all of the personal care worker hours the petitioner requests.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:



Respondent:

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

By: [Redacted], R.N.  
Division of Health Care Access and Accountability  
1 West Wilson Street, Room 272  
P.O. Box 309  
Madison, WI 53707-0309

**ADMINISTRATIVE LAW JUDGE:**

Michael D. O'Brien  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [Redacted]) is a resident of Eau Claire County.

2. The petitioner requested 36.5 hours of personal care worker services per month on January 18, 2016. The department initially authorized 26.25 hours a week but has since agreed to allow the entire 36.5 hours requested.

### DISCUSSION

The petitioner sought authorization for 36.5 hours of personal care a week. The matter is moot because the petitioner has received all of the personal care worker hours she requested. The department initially authorized 26.25 hours a week but has since agreed to allow the entire 36.5 hours requested. Because the petitioner now receives funding for all of the hours she asked for, there is no issue to determine, and the matter must be dismissed. At the hearing, the petitioner's daughter indicated that the petitioner now needs more care than the amount requested. As I told her, to get more hours she must file a new request for those hours so the department can review and weigh in on the request.

### CONCLUSIONS OF LAW

There is no issue for determination because the matter is moot.

**THEREFORE, it is**

**ORDERED**

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 Madison,  
Wisconsin, this 23rd day of May, 2016

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\sMichael D. O'Brien  
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 23, 2016.

Division of Health Care Access and Accountability