



FH
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STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

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

DECISION
Case #: MGE - 211214

PRELIMINARY RECITALS

Pursuant to a petition filed on November 30, 2023, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Lafayette County Department of Human Services regarding Medical Assistance (MA), a hearing was held on February 7, 2024, by telephone.

The issue for determination is whether there remains any issue for determination.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

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

Respondent:

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

By: M. Zasada

Lafayette County Department of Human Services
PO Box 130
Darlington, WI 53530

ADMINISTRATIVE LAW JUDGE:

John Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County.
2. The petitioner filed an appeal on 11/30/23 following closure of long term care MA based on ownership of an asset.
3. Later, the agency issued a notice of a divestment and a related penalty period.
4. Petitioner appealed that as well.
5. On this date this DHA issued a decision on the divestment finding that the transfer of the property in question occurred in 2010 and was not a divestment.

DISCUSSION

This case was opened based on the termination of the MA case. The agency later determined a divestment rather than no eligibility due to assets. It appears this appeal is moot. But, to avoid any confusion I do find that the property which was considered an asset of petition which caused the case to close was, in fact, transferred in 2010 and not an available asset after that time.

CONCLUSIONS OF LAW

The closure of the MA case was not correct.

THEREFORE, it is

ORDERED

That this matter is remanded to the agency with direction to reopen the MA case and process eligibility consistent with the decision in the divestment case DHA Case Number MDV-211510.

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, 4822 Madison Yards Way, 5th Floor North, 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

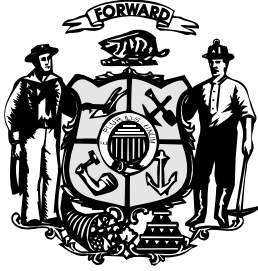
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision 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 5th day of April, 2024

A handwritten signature in blue ink, appearing to read 'John Tedesco', is written over a horizontal line.

John Tedesco
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
5th Floor North
4822 Madison Yards Way
Madison, WI 53705-5400

Telephone: (608) 266-7709
FAX: (608) 264-9885
email: DHAMail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on April 5, 2024.

Lafayette County Department of Human Services
Division of Health Care Access and Accountability