



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

DECISION

Melissa A. Weary

ML-09-0295

The above-named Petitioner filed a hearing request with the Division of Hearings and Appeals on October 6, 2009 to contest a decision to include Petitioner's name on the Nurse Aide Registry and Wisconsin Caregiver Misconduct Registry. A hearing in the above-captioned matter was scheduled for April 13, 2010.

Prior to the commencement of the hearing, the Office of Legal Counsel for the Department of Health Services (DHS) and Petitioner's attorney reported that this matter has been resolved and no hearing was held. Subsequently a written Stipulated Settlement Agreement was submitted to the Division of Hearings and Appeals. It was signed by legal representatives for both parties as well as Petitioner. It is incorporated herein by reference. Among other things, in it, Petitioner agrees to withdraw this hearing request and the DHS moves to dismiss this appeal. The Division of Hearings and Appeals will, therefore, dismiss the appeal.

NOW, THEREFORE, it is ORDERED

That the petition for review is hereby dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. You may petition for an administrative rehearing by submitting a specific written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. This request must be received by the Division within 20 days of the date of this Order. The process for requesting a rehearing petition is contained in Wisconsin Statutes § 227.49.

APPEAL TO CIRCUIT COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed no more than 30 days after the date of this hearing decision (or 30 days after a denial of a rehearing, if you ask for one). For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. Appeals must be served on the Office of the Secretary of that Department, either personally or by certified mail. The address of the

Department is: 1 West Wilson Street, Room 650, Madison, Wisconsin, 53703. The process for appeals to the circuit court is in Wisconsin Statutes §§ 227.52 and 227.53.

Given under my hand at the City of
Madison, Wisconsin, this _____
day of _____, 2010.

David D. Fleming
Administrative Law Judge
Division of Hearings and Appeals

Distribution list:

- Atty. Jesus G.Q. Garza
Department of Health Services - OLC
P.O. Box 7850
Madison, WI 53707-7850
- Atty. John Anthony Ward
6123 Green Bay Rd
Kenosha, WI 53142-2927
- Melissa Weary
7907 60th Avenue, # 102
Kenosha, WI 53144