FH
[redacted]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[redacted]
c/o Atty William Woodrow
301 Nicolet Blvd
Neenah, WI 54956

DECISION

MDV/145511

PRELIMINARY RECITALS

Pursuant to a petition filed November 27, 2012, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Waukesha County Health and Human Services in regard to Medical Assistance, a hearing was held on February 14, 2013, at Waukesha, Wisconsin.

No issue remains for determination by the Division of Hearings and Appeals.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[redacted]
c/o Atty William Woodrow
301 Nicolet Blvd
Neenah, WI 54956

Petitioner's Representative:

Attorney William Woodrow
301 Nicolet Blvd
Neenah, WI 54945-2756

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703
By: Karen Pearson
Waukesha County Health and Human Services
500 Riverview Avenue
Waukesha, WI 53188

ADMINISTRATIVE LAW JUDGE:
David D. Fleming
Division of Hearings and Appeals

This appeal was filed on behalf of Petitioner to contest a determination by the local agency as to the amount of a divestment. The matter had been verbally resolved by the time of the most recent hearing (2/14/13) but Petitioner had not yet been sent a notice confirming the resolution. The matter was rescheduled one more time. Immediately after the hearing, however, the agency representative did send Petitioner's attorney a manual notice confirming the agreed to resolution. This led to a withdrawal of the appeal by Petitioner's representative. This leaves no issue for determination by the Division of Hearings and Appeals and no relief to be ordered. If I misunderstand the circumstances here, Petitioner’s representative should note the rehearing instructions below.

CONCLUSIONS OF LAW

That no issue remains for determination by the Division of Hearings and Appeals and there is no relief to be ordered.

THEREFORE, it is **ORDERED**

That this appeal is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 4th day of March, 2013

\sDavid D. Fleming
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 March 4, 2013.

Waukesha County Health and Human Services
Division of Health Care Access and Accountability
[redacted]