



FH  
[REDACTED]

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

---

In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**DECISION**  
Case #: COP - 216759

---

**PRELIMINARY RECITALS**

Pursuant to a petition filed on January 24, 2025, under Wis. Stat. § 46.27(7m), Wis. Stat. § 227.42 and Wis. Admin. Code § HA 3.03(1), to review a decision by the Eau Claire County Department of Human Services regarding Medical Assistance (MA), a hearing was held on March 19, 2025, by telephone.

The issue for determination is whether DHA has jurisdiction over this appeal.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: P. Dutter

Eau Claire County Department of Human Services  
721 Oxford Avenue  
PO Box 840  
Eau Claire, WI 54702-0840

**ADMINISTRATIVE LAW JUDGE:**

John Tedesco  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Eau Claire County.

2. Petitioner is enrolled in the Children's Long-Term Supports (CLTS) waiver program.
3. The CLTS program funds dance classes for petitioner.
4. The Children's Community Options Program funded four pairs of dance shoes and one dance uniform for petitioner.
5. Petitioner sought funding for more uniforms/costumes and a sewing kit that the county has denied.
6. The agency denied the requests by notice dated 12/27/24.
7. Petitioner filed an appeal of the denials.

### **DISCUSSION**

The Division of Hearings and Appeals (DHA) can only hear cases on the merits if there is jurisdiction to do so. The petitioner appeals decisions by the county under the Children's Community Options Program. The hearing right is prescribed by statute for actions under this program:

***Right to hearing.** A child who is denied eligibility for services or whose services are reduced or terminated under this section may request a hearing from the department under s. [227.44](#), except that lack of adequate funding may not serve as the basis for a request under this subsection.*

In this case, petitioner disputes the county's denial of funding for dance uniforms and a sewing kit. The appeal is not a denial of eligibility or a reduction or termination of services. Petitioner seeks funding for specific goods which have been denied on the county's stated basis of inadequate funding. On the record made at hearing, this dispute does not meet the limited appeal right set forth by statute. DHA cannot claim jurisdiction over this appeal on its merits.

Following hearing, petitioner sent a written argument asserting that jurisdiction exists for this appeal. The petitioner argues that the denial the uniforms and sewing kit should be seen as a denial of eligibility for services. I disagree. It reasonably appears that DHA's jurisdiction is granted for fundamental questions such as a termination from the program, or a case of error in determining program eligibility. It is understandable that a fair hearing right does not attach to every decision about every specific item requested and denied. After all, the record reflects that even the single county of Eau Claire has more than 600 members in the program. DHA does not manage the program, nor is DHA a reviewer of the program's customer service.

Furthermore, petitioner argues that DHA should find jurisdiction in the appeal rights language included with the denial notices. But, DHA obtains jurisdiction only by statutory authority. The appeal rights in this case are limited by express language in the statute and I cannot create jurisdiction where not legally exists.

### **CONCLUSIONS OF LAW**

DHA cannot claim jurisdiction over the merits of this appeal.

**THEREFORE, it is**

**ORDERED**

That this 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, 4822 Madison Yards Way, 5<sup>th</sup> 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.

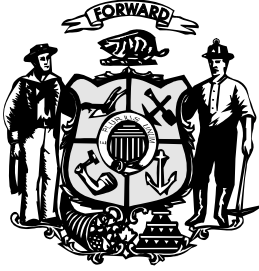
## APPEAL TO COURT

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 20th day of March, 2025

\s \_\_\_\_\_  
John Tedesco  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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

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

The preceding decision was sent to the following parties on March 20, 2025.

Eau Claire County Department of Human Services  
Bureau of Long-Term Support  
[REDACTED]