

Fair Hearings

A guide to the
Enrollment Services Center's
process for appeals

Filing and Tracking

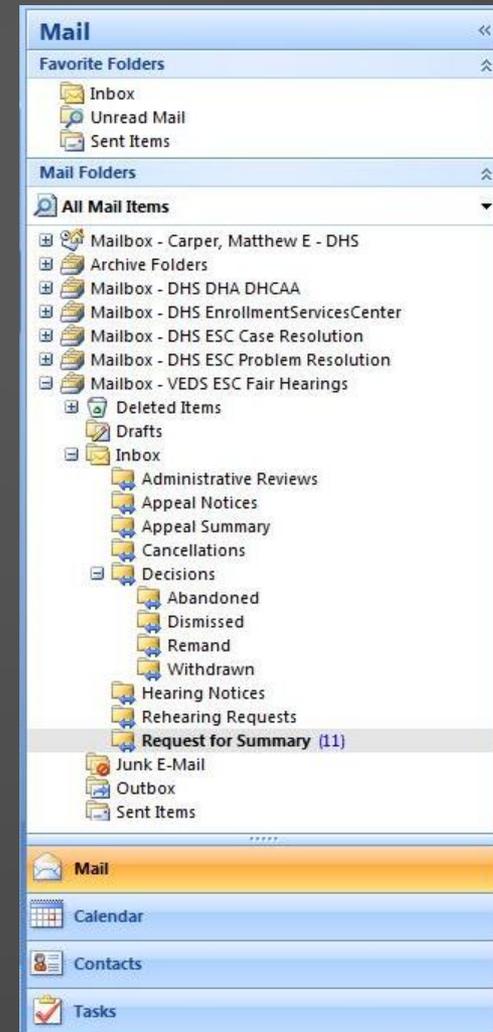
- ◎ Lets take a look at:

- The ESC's fair hearing inbox
- The ESC's filing system
- The ESC's Access tracking system

- ◎ Recognizing and understanding these will be beneficial as we examine the steps the ESC takes when processing appeals

The Enrollment Services Center's Fair Hearing Email Inbox

- The ESC's Fair Hearing Inbox is split into folders
- Each folder is based on emails/documents received from the Division of Hearings and Appeals
- Rules have been created for each folder to route emails directly to the correct place



Inbox Tracking with Categories...

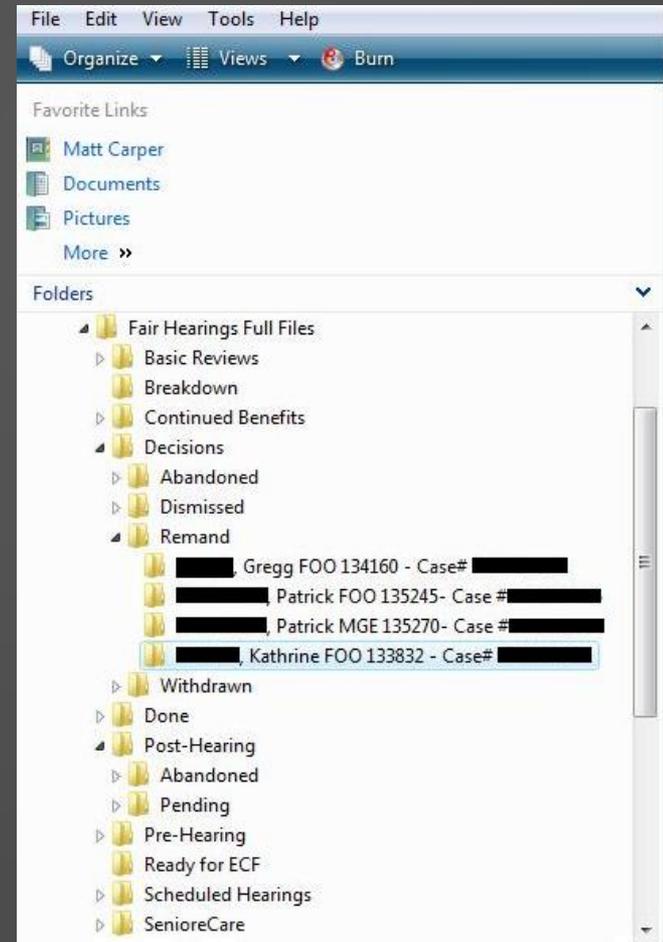
- As actions are taken on an appeal, categories are assigned to notify fellow workers what has been completed

Subject	Categories
Request for Summary, R136198 - ...	Folder Created
Request for Summary, R136193 - ...	Folder Created
Request for Summary, R136191 - ...	Jessica, Folder Created
Request for Summary, R136185 - ...	DONE, Jessica, Folder Created
Request for Summary, R136168 - ...	Chuck, Folder Created
Request for Summary, R136140 - ...	DONE, Jessica, Folder Created
Request for Summary, R136129 - ...	DONE, Chuck, Folder Created
Request for Summary, R136124 - ...	DONE, Jessica, Folder Created
Request for Summary, R136112 - ...	DONE, Jessica, Folder Created
Request for Summary, R136110 - ...	Chuck, Folder Created
Request for Summary, R136106 - ...	Folder Created
Request for Summary, R136100 - ...	DONE, Chuck, Folder Created
Request for Summary, R136088 - ...	DONE, Chuck, Folder Created
Request for Summary, R136086 - ...	DONE, Jessica, Folder Created
Request for Summary, R136076 - ...	DONE, Jessica, Folder Created
Request for Summary, R136073 - ...	DONE, Chuck, Folder Created
Request for Summary, R136069 - ...	DONE, Jessica, Folder Created
Request for Summary, R136057 - ...	Chuck, Folder Created
Request for Summary, R136043 - ...	DONE, Chuck, Folder Created
Request for Summary, R136030 - ...	DONE, Chuck, Folder Created
Request for Summary, R135985 - ...	DONE, Chuck, Folder Created
Request for Summary, R135977 - ...	DONE, Jessica, Folder Created

- Clear All Categories
- Create "Folder Created" Search Folder
- Already Fixed
- Chuck
- DONE
- ESQI/Over Payment
- Folder Created
- Folder Done
- Issued
- Jessica
- Matt
- Mike
- Not Issued
- Not Requested
- Pending
- Sent to wrong agency
- Withdrawn
- All Categories...
- Set Quick Click...

The Enrollment Services Center's Electronic Filing System

- The electronic filing system is designed to correspond with the Fair Hearing Inbox
- Within the ESC's electronic filing system the term "file" refers to an individual petitioner's documentation, the term "folder" is used for grouping files at any given point in the fair hearing process
- As emails from DHA are received the attached documents are manually added to the petitioner's electronic file
- The file is then moved to the corresponding folder based on the attachment received and any necessary action



Tracking Information in the Access Database

- When a petitioner's file is broken down, which is discussed later in the PowerPoint, the information from the appeal is entered into an Access database

The screenshot displays the Microsoft Access interface. On the left, the 'All Access Objects' pane shows a list of tables and queries. The main window displays a form titled 'frmComplianceTracking'. The form contains several input fields and a tabbed interface for tracking appeal information.

Tables:

- IkupAgencies
- IkupAgencyRep
- IkupALI
- IkupAppealReason
- IkupAppealType
- IkupApplicationDecision
- IkupHearingResult
- IkupProgram
- tblComplianceTracking

Queries:

- IkupAgencies Query
- IkupAgencies Query1
- IkupProgram Query
- qryCount by Appeal Month
- qryCount by County
- qryCount by Decision
- qryCount by Decision Month
- qryHearings
- qrySummariesDue
- Query by ProgramCountDate
- Query Cases by Program
- QueryHearingResultByProgramCount

Form Fields:

- Cares No: [Redacted]
- First Name: [Redacted]
- Decision No: FOO-74/114751
- Last Name: [Redacted]
- Program: FOO
- Attorney: [Redacted]

Appeal Tracking Section:

- Appeal Date: 10/5/2010
- Appeal Reason: Discontinued
- Pre Hearing Comments: [Text Area]
- Agency of Residence: Sauk
- Continued Benefits Requested:
- Continued Benefits Approved:
- Continued Benefits Denied:

Tracking Information in the Access Database Continued...

○ The Access database can track:

- Basic information (i.e., petitioner's name, CARES and appeal numbers, etc.)
- Appeal information (i.e., program under appeal, reason for appeal, county of appeal, etc.)
- Decision information (i.e., dismissed, remanded, abandoned, withdrawn, etc.)

Cares No:	<input type="text"/>	First Name:	<input type="text"/>
Decision No:	FOO-74/114751	Last Name:	<input type="text"/>
Program:	FOO	Attorney:	<input type="text"/>

Appeal	Hearing	Decision	Documents
--------	---------	----------	-----------

Process Worker:	<input type="text"/>		
Confirmation Worker:	<input type="text"/>		
Application Date:	<input type="text"/>		
Application Decision:	<input type="text"/>		
ESC Decision Date:	10/4/2010		
Summary Date:	10/26/2010		
Hearing Date:	11/8/2010	Hearing Time:	9:15 AM
Hearing Result:	Withdrawal		
Withdrawal Date:	11/1/2010		
Agency Rep:	<input type="text"/>		
Hearing Comments:	<input type="text"/>		

Querying Information in the Access Database

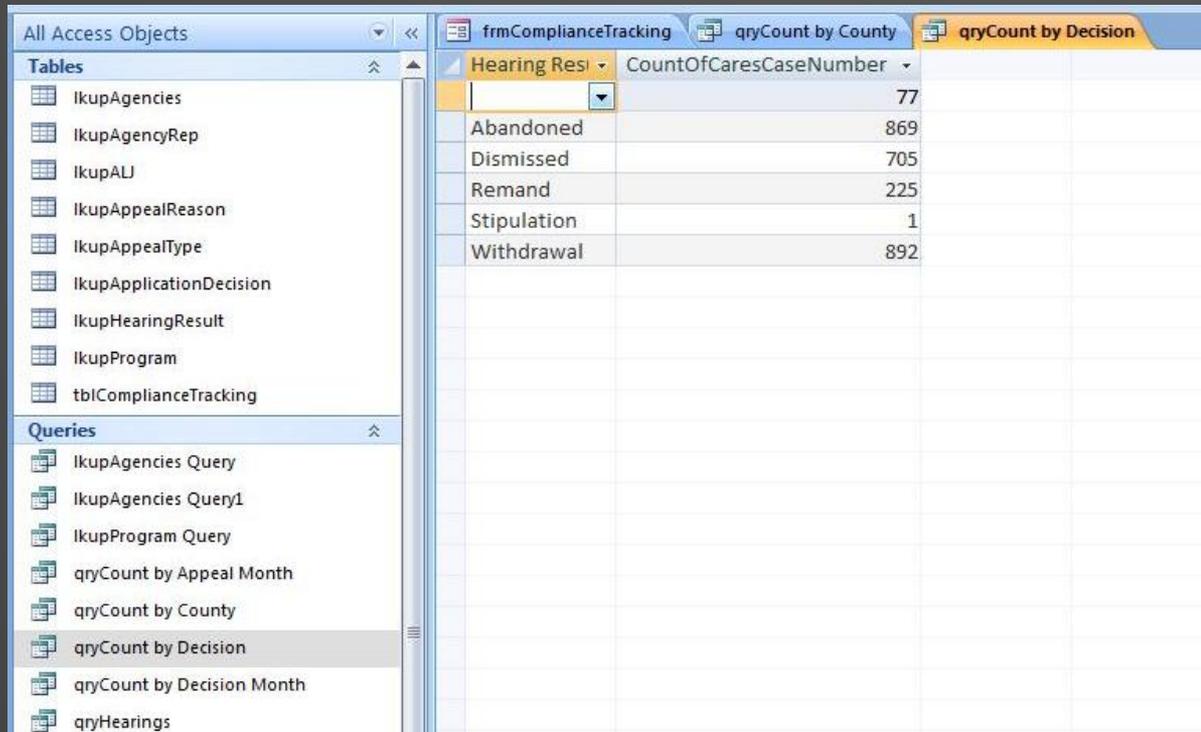
- The information entered into the Access database can be used to query information regarding an agency's fair hearings
- Some of the queries that can be used include:
 - The number of appeals by county (shown to the right)
 - The number decisions received by type (shown on the next slide)
 - The number of appeals by program

The screenshot shows the Microsoft Access interface. On the left, the 'All Access Objects' pane lists tables, queries, and forms. The 'tblComplianceTracking' table is highlighted. On the right, the 'qryCount by County' query is displayed as a table with two columns: 'Agency of Residence' and 'Number of Appeals'. The data is as follows:

Agency of Residence	Number of Appeals
Iron	2
Jackson	10
Jefferson	28
Juneau	11
Kenosha	87
Kewaunee	2
La Crosse	43
Lafayette	2
Langlade	7
Lincoln	6
Manitowoc	27
Marathon	60
Marinette	15
Marquette	4
MILES	1
Milwaukee	871
Monroe	10
Oconto	17
Oneida	23
Outagamie	50
Ozaukee	26
Pepin	1
Pierce	13
Polk	15
Portage	30
Price	7
Racine	109
Richland	10
Rock	68
Rusk	11
Sauk	43
Sawyer	9
Shawano	14
Sheboygan	56
St. Croix	13
Taylor	5
Trempealeau	3
Vernon	10
Vilas	11

Querying Information in the Access Database Continued...

- Information tracked in the Access database can be useful in developing future training or agency workflows by providing information on where skill sets reside



The screenshot displays the Microsoft Access interface. On the left, the 'All Access Objects' pane shows a list of tables and queries. The 'tblComplianceTracking' table is selected. The main window shows the 'qryCount by Decision' query result, which is a table with two columns: 'Hearing Resi' and 'CountOfCaresCaseNumber'. The data is as follows:

Hearing Resi	CountOfCaresCaseNumber
	77
Abandoned	869
Dismissed	705
Remand	225
Stipulation	1
Withdrawal	892

The Appeal Process

- ◎ Now that there is a better understanding of the tools used by the ESC to process appeals, let's look at each step in the appeal process
- ◎ The actions taken by the agency are a reaction to an email and attached documents sent by DHA
- ◎ Therefore the following steps will include the emails received from DHA and the steps taken by the agency

When a Request for Summary is Received...

- When a request for summary email is received a file is created for the petitioner and the attached document is moved to the “Pre-Hearing” folder
- The “Folder Created” category is added to the received email
- Once a worker begins research on the appeal they add their category to the email to avoid duplication of work
- The worker then attempts to contact the petitioner to discuss their appeal
- A summary is written and the Summary of Action Leading to Appeal form (right) is filled out and returned to DHA

Summary of Action Leading to Appeal Submit by Email

ATTACH THE NOTICE OF ACTION THAT PROMPTED THE APPEAL

Clicking the submit button will open your email program with a data file attached. You may attach the notice to the email

PLEASE SUBMIT THIS FORM, EVEN IF THE ISSUE HAS BEEN RESOLVED.

Petitioner Information

Last First Middle

Address

City State Zip

SSN Medical ID (if applicable)

Benefit Information

CARES # Program/Benefit

Action taken on Benefits

<input type="checkbox"/> Delayed	<input type="checkbox"/> Insufficient	<input type="checkbox"/> Reduced
<input type="checkbox"/> Denied	<input type="checkbox"/> Nonreceipt	<input type="checkbox"/> Repayment
<input type="checkbox"/> Department Review	<input type="checkbox"/> Other	<input type="checkbox"/> Modified
<input type="checkbox"/> Discontinued	<input type="checkbox"/> Recoupment	<input type="checkbox"/> 5173

Effective Date of Adverse Action:

Hearing Location

This Office

County where petitioner resides

Other

This hearing is expected to take longer than 15 minutes.

Explanation of Action (why was this action taken and why has the client appealed?)

If your explanation is lengthy or if you have a document you prefer not to retype, please indicate in this box that you will be sending documents by postal mail. If the document is 10 pages or less, you may attach it to the email message that is created when you submit this form.

If you have resolved the issue with the client, please describe the action taken and provide the petitioner with the Withdrawal Request Form.

The Agency Conference...

- ◎ Contact with the petitioner prior to the hearing, or the agency conference, is vital to the fair hearing process
- ◎ Often the petitioner is simply appealing because they do not fully understand the action taken by the agency
- ◎ Answering the petitioner's questions and explaining the agencies reasoning helps to resolve many appeals
- ◎ Understanding what and why the petitioner is appealing helps the agency be better prepared for a hearing

ENROLLMENT SERVICES CENTER
PO BOX 7190
MADISON WI 53707-7190

Date: (Month spelled out, day, year)

State of Wisconsin Division of Hearings & Appeals
David H. Schwarz, Administrator
5005 University Avenue, Suite 201
P O BOX 7875
Madison, WI 53707-7875

Re: Name
Address
City, State, Zip
Case #
Appeal # FOO-74/

Dear Mr. Schwarz:

Name (John Smith) requested a hearing on the decision concerning FoodShare –

Sincerely,

Your Name
Your position
Enrollment Services Center
Wisconsin Department of Health Services
Bureau of Enrollment Services

Cc: Applicant/client's name
(John Smith)

Enclosures: stuff
Stuff
Stuff



State of Wisconsin

Case #:

Enrollment Services Center
Phone/TTY: 1-800-291-2002
Fax: 1-888-409-1982

The Summary...

- The summary (blank template to left) contains a detailed timeline of all action taken on a case relevant to the appeal
- It also includes policy citations with an explanation of how the agency complied with the policies
- The summary includes all applicable documentation (i.e., notices of decision, reminder letters, etc.)
- The summary is sent to both DHA and the petitioner
- It is beneficial to compile the information included in the summary before contacting the petitioner to discuss their appeal
- For redacted examples of ESC summaries please contact Matt Carper at Matthew.Carper@wisconsin.gov

When an Appeal Notice is Received...

- The appeal notice (right) acts as a receipt that DHA has received the summary
- It indicates whether continued benefits need to be issued
- When an appeal notice email is received, the attached document is moved to the petitioner's file within the "Pre-Hearing" folder
- If continued benefits are ordered, the file is moved to the "Continued Benefits" folder
- Once continued benefits are issued, the file is moved back to the "Pre-Hearing" folder
- Categories are added to emails containing appeal notices similar to request for summary emails



State of Wisconsin DIVISION OF HEARINGS AND APPEALS

David H. Schwarz, Administrator
PO Box 7875
Madison WI 53707-7875

Telephone: (608) 266-3096
FAX: (608) 264-8886
E-mail: DHAMail@wisconsin.gov

To: Enrollment Services Center
Date: November 3, 2011
Subject: Appeal Notice

Petitioner: [REDACTED]
Appeal #: BCC-136129
CARES #: [REDACTED]

The Division of Hearings and Appeals has received a request for a fair hearing from the above named petitioner on your decision concerning BCC - BadgerCare Plus - Core Plan, Discontinued.

You may proceed with the modification to the petitioner's benefits.

You will be notified of the hearing date when it is scheduled.

Please refer to case number [REDACTED] if you need to contact us regarding this request.



State of Wisconsin DIVISION OF HEARINGS AND APPEALS

David H. Schwarz, Administrator
5005 University Avenue, Suite 201
P.O. Box 7875
Madison, WI 53707-7875

Telephone: (608) 266-3096
FAX: (608) 264-9885
E-mail: dhamail@wisconsin.gov
Internet: <http://dha.state.wi.us>

October 27, 2011

RE: BCC/135811
CARES #: [REDACTED]

We have scheduled a telephone hearing for you on Wednesday, November 9, 2011 at 11:00 am.

[REDACTED] and all other persons participating in this hearing by telephone must call Administrative Law Judge Joseph A. Nowick at (608) 266-2689 at least 24 hours before the date of the hearing to provide a telephone number where they can be reached at the time of the hearing. The Administrative Law Judge will initiate the call at the above date and time.

Any exhibits that you wish to include at the hearing should be received by the administrative law judge no later than two business days prior to the hearing date. Exhibits can be sent either by U.S. mail to the Division of Hearings and Appeals, Attention: Joseph A. Nowick, 5005 University Avenue, Madison, WI 53705- or the exhibits can be faxed to (608) 264-9885.

Your request will be dismissed if we are unable to reach you at the scheduled date and time. Write to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI, 53707-7875, if you no longer need a hearing. Call (608) 266-3096, if you need to reschedule this hearing.

Please bring any information or records which you wish to submit to the Division. Any witnesses whom you wish to testify should be with you. You may be represented by a lawyer or advocate, but it is your responsibility to obtain that representation. You may ask at your county agency about the availability of free legal representation. You or your representative may examine your case file prior to the hearing or during the hearing.

If you need information about accommodation for a disability or for English language translation, please immediately call (608) 266-3096. This telephone number is only for the administrative hearing process.

[REDACTED] y cualquier persona que participara en esta audiencia por telefono debera llamar al Juez Administrativo Joseph A. Nowick al (608) 266-2689 por lo menos 24 horas antes de la fecha de la audiencia para proveer el numero de telefono donde el Juez Administrativo podra comunicarse con Ud para la audiencia. El Juez Administrativo iniciara la llamada en la fecha y hora indicadas arriba.

Cualquier evidencia que Ud quisiera presentar en la audiencia tendra que ser recibida por el Juez Administrativo a mas tardar dos dias antes de la audiencia. La evidencia puede ser mandada por correo postal a Division of Hearings and Appeals, Atencion: Joseph A. Nowick, 5005 University Avenue, Madison, 53705- o podran ser mandados por fax al numero (608) 264-9885.

Si necesita información acerca de servicios que se ofrecen para personas incapacitadas, o para conseguir un intérprete, llame al (608) 266-3096.

cc: Enrollment Services Center - email
Division of Health Care Access And Accountability - email

Hearing Notice is Received...

- When a hearing notice (left) email is received the document is moved to the petitioner's file currently located in the "Pre-Hearing" folder
- The petitioner's file is then transferred into the "Schedule Hearing" folder
- A corresponding appointment is added to the Fair Hearing Calendar (next slide) and the category in the inbox is changed to "Done"
- A few days after the hearing is scheduled the summary is reviewed again for possible updates

The Fair Hearing Calendar...

January 24 - 28, 2011 Search VEDS ESC Fair Hearings - Calen

	24 Monday	25 Tuesday	26 Wednesday	27 Thursday	28 Friday
6 am					
7:00					
8:00		MCP 116057	FOO 116051 FOO 116202	FOO 116697 FOO 116696	
9:00		FOO 116092 MCP 116268	FOO 116264 FOO 116550		
10:00	MCP 116242 FOO 116365 MCP 116263 MCP 116247	MCP 116354 MED 116410, F FOO 116735 MCP 114208, FOO FOO 115902 MCP 116235	FOO [redacted] FC FOO 116185, MCP [redacted]		
11:00		FOO 115371 MCP 116123 FOO 115968	MCP 116364 MCP 116203		
12 pm					
1:00	FOO 116347 MCP 116303	MCP 115763 MCP 116358 MED 116292	MCP 116091 MCP 116241	FOO 116111 MCP 116518	FOO 115998 FOO 116748
2:00		MED 116515 MBC 116489	MCP 116670 MCP 116058	MCP 116565	
3:00			FOO 116100, MCP 116118		
4:00					

The Day of the Hearing...

- ◎ An email is sent to the presiding administrative law judge to notify them of who will be appearing on behalf of the agency and the telephone number the worker can be reached at
- ◎ Before the hearing the appearing worker reads through the summary as written to be sure all necessary information is presented logically
- ◎ CWW is also checked prior to the hearing to ensure any updates made to the case are not a surprise during the hearing

After the Hearing...

- ◎ Case comments are added to the case in CARES to indicate that the hearing was held and what information was discussed in the hearing
- ◎ The petitioner's file should then be moved to the "Post-Hearing" folder
- ◎ Within the "Post-Hearing" folder the petitioner's file is placed in the "Abandoned" folder if a hearing was not held, or the "Pending" folder if a hearing was held



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FOO/135060

The above-named petitioner requested a hearing under Chapter HA 3, Wis. Admin. Code, in regard to FoodShare General Eligibility.

The case was duly scheduled for hearing and at the appointed time and place an examiner was available to take testimony. Petitioner or a representative failed to appear, by phone or in person, and petitioner has not provided good cause for non-appearance.

At this time, no claim of good cause for failure to appear at the scheduled hearing has been made, and we conclude that petitioner has abandoned the appeal.

NOW, THEREFORE, it is **ORDERED**

That the petition for review herein be and the same is hereby dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you did not intend to abandon your request for a hearing, you must tell us so by submitting a specific request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. This request must be received in this office within thirty (30) days of the date of this Order, pursuant to Wis. Adm. Code sec. HA 3.10(3).

CIRCUIT COURT APPEAL

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 is 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 651 Madison, WI 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 date, October 6, 2011.

Kenneth D. Duren, Assistant Administrator
Division of Hearings and Appeals

THIS IS A CERTIFIED COPY OF THE DECISION
MADE IN THIS MATTER AND FILED IN THE
DIVISION OF HEARINGS AND APPEALS IN THE
CITY OF MADISON, WISCONSIN

c: Enrollment Services Center - email
Division of Health Care Access And Accountability - email

When a Decision is Received...

- When a decision (left) email is received the attached document should be moved to the petitioner's file
- The petitioner's file should then be moved to the "Decisions" folder
- Within the "Decisions" folder the petitioner's file is placed in either the "Abandoned," "Dismissed," "Remand," or "Withdrawn" folder based on the decision received
- Necessary action on the case is taken and case comments indicating both the decision and action are added
- The petitioner's file is moved to the "Breakdown" folder

What Happens During Breakdown...

- ◎ All relevant information is added to the Access data base
- ◎ Any non PDF documents are changed to PDF forms
- ◎ The petitioner's file is place in a folder accessible to DPU workers and all documents are loaded into ECF under the document code "FH"
- ◎ The petitioner's file is then placed in the "Done" folder for possible future reference
- ◎ The process is then over for one appeal and starts for another