



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Karen E. Timberlake, Secretary

August 9, 2021

Mr. Michael Queensland
Senate Chief Clerk
P.O. Box 7882
Madison, WI 53707-7822

Mr. Edward Blazel
Assembly Chief Clerk
P.O. Box 8952
Madison, WI 53708

Dear Mr. Queensland and Mr. Blazel:

Wisconsin Statute §§ 227.485(9) and 814.245(10) requires the Department of Health Services (DHS) to submit an annual report concerning decisions and resulting payments of attorney fees and related legal costs. Attorney fees and other legal costs are to be paid whenever the opposing party to an agency's Chapter 227 hearing prevails and it is determined that the agency's position was not substantially justified. The attached report reflects payments made during SFY 2021.

In addition, DHS is required to report any awards granted to the department regarding frivolous motions brought against us. No motions of opposing parties were found to be frivolous in SFY 2021. Consequently, DHS has no awards to report.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen E. Timberlake".

Karen E. Timberlake
Secretary-Designee

Enclosure

cc: Zachary Hendrickson, OLC
Nicole Hensen, BFS

1985 WISCONSIN ACT 52
Claims Under Wis. Stat. §§ 814.245 and 227.485
Fiscal Year: July 1, 2020 to June 30, 2021

CASE NAME	CASE NO.	AGENCY	ASSISTANT ATTORNEY GENERAL/DHS ATTORNEY	OPPOSING COUNSEL	NATURE OF CASE/CLAIM	COSTS/FEEES REQUESTED	AMOUNT AWARDED	DATE OF ORDER(S)	APPEAL
Gail Przybylinski	CMGE-198180	DHS	None	Attorney Bruce Lehman, Edenhofer Law Offices, SC	Incorrect determination of petitioner's testamentary trust as an available asset, placing petitioner over the MA asset limit.	\$6,340.00	\$3,512.21	3/29/2021	No
Donald Putz	CMGE-199122	DHS	None	Attorney Peter Grosskopf, Grosskopf Law Office, LLC	Incorrectly denied petitioner's application for medical assistance under the spousal impoverishment provisions.	\$1,333.80	\$1,333.80	3/29/2021	No
Michelle Bilski	CMGE-199262	DHS	None	Attorney Jonathan Barstow, Barstow Elder Law Center, SC	Incorrectly denied petitioner's application for medical assistance based on invalid signature.	\$1,800.00	\$1,195.15	3/29/2021	No
Shirla Kinlow	CMGE-198872	DHS	None	Attorney Avery J. Mayne, Walny Legal Group	Incorrectly denied petitioner's application for medical assistance based on petitioner being over MA asset limit.	\$4,103.51	\$4,051.03	4/7/2021	No
Frederick Kinlow	CMGE-198873	DHS	None	Attorney Avery J. Mayne, Walny Legal Group	Incorrectly denied petitioner's application for medical assistance based on petitioner being over MA asset limit.	\$4,103.51	\$4,051.03	4/7/2021	No
Falynn Bodenheimer	CMKB-200264	DHS	None	Attorney Robert Peterson, ABC for Health, Inc.	Incorrect determination of petitioner's marked limitation in cognitive functioning for medical assistance.	\$6700.32	\$4276.37	5/19/2021	No

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Ronald Tessmer	CFCP-194645	DHS	None	Attorney Jessica Braun, Schober, Schober and Mitchell, SC	Incorrect determination of petitioner's enrollment date in community waivers and the Family Care program.	\$6396.00	\$3037.50	6/11/2021	No
Donald Olsen	CMGE-19627/196928	DHS	None	Attorney Carol Wessels, Wessels & Liebau	Incorrectly denied petitioner's application for medical assistance due to failing to verify assets.	\$8658.50	\$3642.90	7/17/2020	No



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Gail Przybylinski	CMGE-198180	DHS	None	Attorney Bruce Lehman, Edenhofer Law Offices, SC	Incorrect determination of petitioner's testamentary trust as an available asset, placing petitioner over the Medicaid assistance asset limit.	\$6,340.00	\$3,512.21	3/29/2021	No
Donald Putz	CMGE-199122	DHS	None	Attorney Peter Grosskopf, Grosskopf Law Office, LLC	Incorrectly denied petitioner's application for medical assistance under the spousal impoverishment provisions.	\$1,333.80	\$1,333.80	3/29/2021	No
Michelle Bilski	CMGE-199262	DHS	None	Attorney Jonathan Barstow, Barstow Elder Law Center, SC	Incorrectly denied petitioner's application for medical assistance based on invalid signature.	\$1,800.00	\$1,195.15	3/29/2021	No
Shirla Kinlow	CMGE-198872	DHS	None	Attorney Avery J. Mayne, Walny Legal Group	Incorrectly denied petitioner's application for medical assistance based on petitioner being over Medicaid assistance asset limit.	\$4,103.51	\$4,051.03	4/7/2021	No
Frederick Kinlow	CMGE-198873	DHS	None	Attorney Avery J. Mayne, Walny Legal Group	Incorrectly denied petitioner's application for medical assistance based on petitioner being over Medicaid Assistance asset limit.	\$4,103.51	\$4,051.03	4/7/2021	No
Falynn Bodenheimer	CMKB-200264	DHS	None	Attorney Robert Peterson, ABC for Health, Inc.	Incorrect determination of petitioner's marked limitation in cognitive functioning for medical assistance.	\$6,700.32	\$4,276.37	5/19/2021	No

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Ronald Tessmer	CFCP-194645	DHS	None	Attorney Jessica Braun, Schober, Schober and Mitchell, SC	Incorrect determination of petitioner's enrollment date in community waivers and the Family Care program.	\$6,396.00	\$3,037.50	6/11/2021	No
Donald Olsen	CMGE-19627/196928	DHS	None	Attorney Carol Wessels, Wessels & Liebau	Incorrectly denied petitioner's application for medical assistance due to failing to verify assets.	\$8,658.50	\$3,642.90	7/17/2020	No