



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

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In the Matter of

██████████  
██████████  
██████████  
██████████

**DECISION**  
Case #: CWK - 220848

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**PRELIMINARY RECITALS**

Pursuant to a petition filed on November 13, 2025, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Marathon County Department of Social Services regarding CWK, a hearing was held on January 20, 2026, by telephone.

The issue for determination is whether this appeal was timely filed.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

██████████  
██████████  
██████████  
██████████

Respondent:

Department of Health Services  
201 E. Washington Ave.  
Madison, WI 53703

By: M. Verveldi

Marathon County Department of Social Services  
400 E. Thomas Street  
Wausau, WI 54403

**ADMINISTRATIVE LAW JUDGE:**

John Tedesco  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Marathon County.
2. Petitioner is enrolled in the Children's Long Term Supports waiver program ("CLTS").

3. The petitioner requested CLTS funding for a trailer.
4. The request was denied by written notice dated 8/14/25. The notice informed petitioner that a request for appeal to the Division of Hearings and Appeals (“DHA”) was required to be filed within 45 days. The notice also provided the address for DHA as well as the phone number. An address and phone number were also provided for the Board on Aging and Long Term Care in the event petitioner wished support or assistance in filing the appeal.
5. Petitioner mailed the request for hearing in an envelope postmarked 11/13/25.

### DISCUSSION

The CLTS program started on January 1, 2004 after the federal Department of Health and Human Services informed the state department (DHS) that federal MA funding would no longer be available for in-home autism services. The department drafted and released the Medicaid Home and Community-Based Waiver Manual for the CLTS Program (“the Manual”), with a current update as of April 2025. It can be found on the internet at <https://www.dhs.wisconsin.gov/publications/p02256.pdf>.

The issue here is the date of the appeal. An appeal of a service denial must be filed within 90 days of the notice. Manual, §8.2.3. The timeline for filing an appeal is included in the agency’s notice of 45 days is actually the deadline for filing an appeal relating to an initial denial of eligibility. An appeal for denial of service must be filed within 90 days. The appeal with the Division of Hearings and Appeals was not filed until November 13, 2025 which is the date of the postmarked envelope in which the appeal was sent to DHA. Ninety days following the notice was November 12, 2025. Therefore, it is untimely as the notice that denied the mattress was dated August 14, 2025, and the deadline to request a hearing was November 12, 2025.

The Division of Hearings and Appeals can only hear cases on the merits if there is jurisdiction to do so. There is no jurisdiction if an appeal is untimely.

### CONCLUSIONS OF LAW

This appeal was not timely filed.

**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.

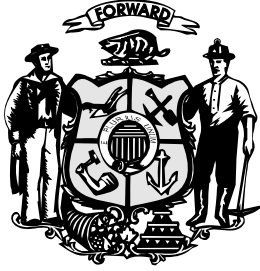
**APPEAL TO COURT**

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, 201 E. Washington Ave., **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 29th day of January, 2026

\s \_\_\_\_\_  
John Tedesco  
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 January 29, 2026.

Marathon County Department of Social Services  
Bureau of Long-Term Support

