

HES  
e  
2011/2012



State of Wisconsin  
Department of Health Services

Scott Walker, Governor  
Dennis G. Smith, Secretary

September 14, 2012

Mr. Jeffrey Renk  
Senate Assistant Chief Clerk  
Room B20 Southeast, State Capitol  
Madison, WI 53702

Mr. Patrick Fuller  
Assembly Chief Clerk  
17 West Main, Suite 401  
Madison, WI 53703

Dear Mr. Renk and Mr. Fuller:

Section 227.485(9) of the Wisconsin Statutes requires the Department 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 2012.

In addition, under s. 814.245(10), the Department is required to report any awards granted to the Department regarding frivolous motions brought against the Department. No motions of opposing parties were found to be frivolous in SFY 2012. Consequently, the Department has no awards to report.

Sincerely,

Dennis G. Smith  
Secretary

Attachment

cc: Patty Lynch  
Amy McDowell

**1985 WISCONSIN ACT 52**  
**Claims Under Sections 814.245 and 227.485, Wis. Stats.**  
**Fiscal Year: July 1, 2011 to June 30, 2012**

CASE NAME	CASE No.	AGENCY	ASSISTANT ATTORNEY GENERAL/ DHS ATTORNEY	OPPOSING COUNSEL	NATURE OF CASE/CLAIM	COSTS/FEEES REQUESTED	AMOUNT AWARDED	DATE OF ORDER	APPEAL
Fritz, Leonard	CMGE/1 6537	DHS	None	Heather Poster	MA eligibility - community spouse	\$2,305.11	\$2305.11	4/27/12	No
Rose, Irene	CMED- 28/115554 CMDV- 28/115555	DHS	None	Jennifer E. Annen	MA eligibility – assets and divestment	\$4,792.00	\$3542.74	10/26/11	No
Rye, Harriet	CFCP/11 2587	DHS	None	Robert Bertram	Family Care eligibility - assets	\$1,372.00	\$969.64	12/22/11	No
Schwichtenberg, Colton	DMPA/11 6324	DHS	None	Mitchell Hagopian	MA eligibility – medical necessity	\$6,847.62	\$6,847.62	2/23/12	No