



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

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In the Matter of

Newton, Shameika

ORDER

ML-10-0196

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Pursuant to petition filed April 19, 2010, under §§146.40(4r)(c) and 227.42, Stats., to review a decision by the Department of Health Services, a hearing was scheduled for August 18, 2010, at Milwaukee, Wisconsin. No hearing was conducted.

No issue remains for determination by the Division of Hearings and Appeals.

**PARTIES IN INTEREST:**

**Petitioner:**

Shameika Newton  
2481 W. Monroe Street  
Milwaukee, WI 53206

**Respondent:**

Department of Health Services, by

Attorney John Tedesco  
Department of Health Services  
Office of Legal Counsel  
P. O. Box 7850  
Madison, WI 53707-7850

**Administrative Law Judge:**

David D. Fleming  
Division of Hearings and Appeals

The above-named Petitioner filed a hearing request with the Division of Hearings and Appeals on April 19, 2010 to contest a decision by the Department of Health Services to place a finding of abuse in the name of Petitioner on the Wisconsin Caregiver Registry. A hearing in the above-captioned matter was scheduled for August 18, 2010.

Prior to the commencement of the hearing, the Office of Legal Counsel for the Department of Health Services (DHS) reported that it does not intend to pursue this particular regulatory enforcement action at this time. See the DHS letter of August 10, 2010. Thus no hearing has been held. These circumstances leave no issue for determination by the Division of Hearings and Appeals and no relief to be ordered as to the issue appealed. The Division of Hearings and Appeals will, therefore, dismiss 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. You may petition for an administrative rehearing by submitting a specific written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. This request must be received by the Division within 20 days of the date of this Order. The process for requesting a rehearing petition is contained in Wisconsin Statutes § 227.49.

**APPEAL TO CIRCUIT COURT**

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 in this matter is the 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 650, Madison, Wisconsin, 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 \_\_\_\_\_ day  
of \_\_\_\_\_, 2010.

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David D. Fleming  
Administrative Law Judge  
Division of Hearings and Appeals