

Filed 10-2-62

PW-PA 20.19

STATE OF WISCONSIN                    )  
  ) SS.  
DEPARTMENT OF PUBLIC WELFARE )

I, Wilbur J. Schmidt, Director of the State Department of Public Welfare, and custodian of the official records of said Department, do hereby certify that the annexed revised rule relating to procedures in relief claim actions under s. 49.11 (7), Wis. Stats., was duly approved and adopted by the State Board of Public Welfare on September 26, 1962.

I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto  
set my hand at the State Office  
Building in the City of Madison,  
this 1st day of October, A.D. 1962.

Wilbur J. Schmidt  
Director, State Department of Public Welfare


ORDER OF THE STATE DEPARTMENT OF PUBLIC WELFARE  
REVISING RULES

Pursuant to authority vested in the State Department of Public Welfare by Sections 46.014 (3) and 46.165, Wis. Stats., the State Department of Public Welfare hereby revises Rule PW-PA 20.19. (The Rule as revised is attached hereto.)

Rule PW-PA 20.19 revised herein shall take effect on November 1, 1962 pursuant to the authority granted by s. 227.026 (1) (b):

Dated: October 1, 1962.

State Department of Public Welfare

  
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Wilbur J. Schmidt, Director

## RELIEF CLAIMS PROCEEDINGS

PW-PA 20.19 RELIEF CLAIMS PROCEEDINGS. (1) PRACTICE. Proceedings under this rule shall be considered administrative in character. The rules of practice at hearings will conform generally to the rules of practice before courts of equity. The aim is to secure the facts in as direct and simple a manner as possible.

(2) PLEADINGS. (a) Complaints and answers need not be verified.

(b) The proceedings shall be deemed to be at issue when an answer or demurrer is filed or when the time for answering or otherwise pleading to the complaint has expired.

(c) The answers to the complaints shall specifically and particularly set forth in writing a statement of the reasons upon which defendant relies to defeat the proceeding. For this purpose, evidentiary facts may be pleaded. A general denial shall be deemed to be no pleading. Failure to deny an allegation of the complaint shall be deemed to be an admission thereof.

(d) Amendment may be made to any pleading upon application and cause shown. The department may, on its own motion, modify or change its order and findings at any time within 20 days from the date thereof, if it shall discover a mistake therein.

(e) Except upon order of a court, proceedings in which an order has been rendered shall be reopened for reception of further evidence or for further consideration only upon written consent of all parties to the proceedings or in accordance with section 270.50, Wis. Stats. Motions under section 270.50, Wis. Stats., shall not be received after 20 days of the date of the order.

(3) PROOF OF CLAIM (a) The dates when and the amount of relief claimed to have been given to the recipient may be established prima facie by affidavit of the relief official who ordered the relief given or by affidavit of the clerk of the county or municipality which paid for and granted the relief. Such affidavit shall show the expenditures by months, listing separately for each month the total monthly expenditures for food, clothing, fuel, utilities, housing, medicine, medical and surgical treatment, hospital care, hospitalization, nursing, transportation, water, household equipment, other commodities or services, cash, or funeral expenses.

(b) If relief is given only intermittently, the particular dates of the intermittent relief grants shall be stated. In order to show the date of the first and last grant of aid in a continuous series where relief is given continuously over several months, the charge for the month shall run from the date of the first order to the end of the month and the charge for the last month in the series shall run from the first of the last month to the date of the last order in that month.

(c) The opposing party shall have the right to call adversely as a witness the person who made such affidavit or any other person who would otherwise have knowledge of the facts therein stated.

(h) MOTIONS. (a) Motions not made on the record at the time of hearing shall be filed with the department in writing.

(b) Request for recovery by default will be received upon failure to answer or plead to the complaint within the statutory period. Such request shall be accompanied by affidavit showing the fact that and the date when verified claims were filed upon the clerk of the defendant or defendants, together with copies of such claims incorporated by reference in the affidavit.

(c) When a hearing has been set and a party notified fails to appear, the parties present may offer such proofs or motions as they desire, and the department shall thereafter notify the absent party that unless he file an affidavit showing reasonable excuse for absence and of merit the department will render its decision upon the record made. If the department is satisfied with such affidavit it may in its discretion set the case for further hearing on such conditions as may be just.

(d) Motion for summary judgment upon the pleadings may be submitted by either party pursuant to section 270.635, Wis. Stats., and in event of such motion, the parties shall submit affidavits setting forth the evidentiary facts, including documents or copies thereof for the purpose of determining whether there is a triable issue.

(5) SERVICE OF PAPERS. The fact of mailing and the date when a non-resident affidavit was mailed may be proved by affidavit of the clerk or deputy clerk who sent such notice. Such affidavit shall show compliance with the mailing statute in force at the time the notice was mailed. See section 49.11 (7) (d), Wis. Stats., which requires the mailing of notices by registered or certified mail with return receipt requested.

(6) CONDITIONS PRECEDENT. No proceeding shall be maintained unless a verified claim for the amount of money due has been duly presented to and disallowed by the county or municipality sought to be charged.

(7) RESUMES AND TRANSCRIPTS. (a) The department may at any time prior to decision require or permit the parties to file briefs on either fact or law.

(b) Transcripts of testimony taken or proceedings had before the department will be furnished to parties upon request and payment of the sum of 10 cents per folio and 5 cents per folio for each additional copy thereof. After an appeal has been taken, transcripts will be furnished upon payment of the sum of 5 cents per folio.

(8) WITNESS FEES. (a) Witnesses may be paid as provided by section 49.11 (7) (a), Wis. Stats., for attendance at hearings.

(b) Where more than one witness travels in the same car, only one mileage fee shall be allowed, except that all witnesses may receive sufficient mileage fees to cover necessary meals.

(c) Where witnesses travel by public conveyance, actual cost of conveyance plus necessary and reasonable bills for meals and hotels may be allowed.

(d) Interpreters' fees shall be the same as witness fees.

(e) In no case shall any of the above allowances be in excess of the regular mileage allowance. Witness fees shall be proved by submission of receipt of the witness.

Filed 10-2-62

STATE OF WISCONSIN )  
DEPARTMENT OF PUBLIC WELFARE ) SS.

I, Wilbur J. Schmidt, Director of the State Department of Public Welfare, and custodian of the official records of said Department, do hereby certify that the annexed revised rule relating to the destruction of claims in Indian relief cases filed under s. 49.046, Wis. Stats., was duly approved and adopted by the State Board of Public Welfare on September 26, 1962.

I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto  
set my hand at the State Office  
Building in the City of Madison,  
this 2nd day of October, A.D. 1962.

Wilbur J. Schmidt  
Director, State Department of Public Welfare

ORDER OF THE STATE DEPARTMENT OF PUBLIC WELFARE  
REVISING RULES

Pursuant to authority vested in the State Department of Public Welfare by Sections 46.014 (3) and 46.165, Wis. Stats., the State Department of Public Welfare hereby revises Rule FW-PA 20.21. (The Rule as revised is attached hereto.)

Rule FW-PA 20.21 revised herein shall take effect on November 1, 1962 pursuant to the authority granted by s. 227.026 (1) (b):

Dated: October 2, 1962

State Department of Public Welfare

*Wilbur J. Schmidt*  
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Wilbur J. Schmidt, Director

FW-PA 20.21 Destruction of record material. (1) PURPOSE. The purpose of this rule is to define the limitations of section 59.715 (21) of the Wisconsin Statutes pertaining to the destruction of case record and other record material in aid to the blind, aid to dependent children, old-age assistance and aid to disabled persons, and in relief for which claim for state reimbursement is made under section 49.04, Wis. Stats., and the destruction of records in Indian relief claims under section 49.046, Wis. Stats.

(2) RECORDS TO BE PERMANENTLY PRESERVED. A face sheet or similar record of each case and a financial record of all payments for each aid account shall be permanently preserved.

(a) Face sheet or similar record means a sheet or sheets giving identifying data about the person or persons concerned, sufficient to distinguish the particular person or family, including such information as names, addresses, occupations, relatives, birth and marriage dates and marital status.

(b) Financial record means a financial card or ledger sheet showing all payments made to or in behalf of the individual or family aided, by month, and including a record of all refunds and collections.

(3) CONDITIONS FOR DESTRUCTION OF OTHER RECORDS. Records, other than those specified in subsection 2 of this rule, may be destroyed when there has been no case activity on the part of the county department and the particular person or family for a period of five years just preceding, except as hereinafter provided.

(a) No records may be destroyed in any case in which:

1. An estate against which the county has a claim has not been settled.
2. There is property on which the county has an old-age assistance lien and the claim has not been settled.
3. Claims for reimbursement under section 49.04 and section 49.046, Wis. Stats., have not been settled and audited.

(b) Claims paid by the county, and papers supporting such claims, and cancelled checks for payments made to or in behalf of recipients of aid to the blind, aid to dependent children, old-age assistance, aid to disabled persons or relief to needy Indians may not be destroyed until after seven years, in accordance with subsections 59.715 (9) and (18), Wis. Stats.