

**CORRESPONDENCE/MEMORANDUM**

**DATE:** November 2, 2009

**TO:** Aaron Olver, Zach Brandon, Joseph Thomas, Berni Mattsson,  
Oscar Herrera, Dennis Legler, Eric Scott, Laura Varriale,  
Louie Cornelius, Tarna Gahan-Hunter

**FROM:** Laura Pleasants

**SUBJECT:** *Monthly Report of PECFA Appeals for October 2009*

**Executive Summary**

Six (6) appeals were received and four (4) dismissals were issued in October.

The total amount on appeal at the end of October was \$40,485.90.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
New Appeals received during Month	5	3	2	4	0	7	2	3	2	6		
Total Closures during Month	6	8	2	5	4	2	2	5	3	4		
Mean Days Receipt to Close	143	91	33	61	116	564	213	50	101	44		
Pending End of Month	14	9	10*	9	5	10	10	8	7	9		
Change from Prior Month	(1)	(5)	1*	(1)	(4)	5	0	(2)	(1)	2		
Closures												
Settlements	5	4	2	3	3	2	0	5	3	4		
Mean Days Receipt to Settled	83	111	33	51	147	564	n/a	50	101	44		
Withdrawals	0	3	0	2	1	0	2***	0	0	0		
Mean Days Receipt to Withdrawal	n/a	73	n/a	77	20	n/a	213	n/a	n/a	n/a		
Dismissed On Motion (Untimely, Standing)	0	1	0	0	0	0	0	0	0	0		
Mean Days Receipt to Dismissal	n/a	67	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		
Hearings												
Hearings Held in Month	0	0	0	0	1**	1***	0	0	0	0		
Mean Days Receipt to Hearing	n/a	n/a	n/a	n/a	343	197	n/a	n/a	n/a	n/a		
Scheduled in Future Periods	0	2	2	2	1	0	1	1	0	1		
Mean Days Receipt to Scheduled	n/a	242	237	263	197	n/a	190	190	n/a	146		
Decisions												
Decisions Rendered by ALJ (Proposed)	0	0	0	0	0	0	0	0	0	0		
Decisions Rendered by Secretary (Final)	1	0	0	0	0	0	0	0	0	0		
Decisions Rendered by Circuit Court	0	0	0	0	0	0	0	0	0	0		
Decisions Rendered by Court of Appeals	0	0	0	0	0	0	0	0	0	0		
Awaiting Decision												
Awaiting <u>Proposed</u> Decision	0	0	0	0	0	1	0	0	0	0		
Mean Days since Hearing	n/a	n/a	n/a	n/a	n/a	7	n/a	n/a	n/a	n/a		
Awaiting <u>Final</u> Decision by Secretary	0	0	0	0	0	0	0	0	0	0		
Mean Days since Proposed Decision	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		
Awaiting Decision by Circuit Court	0	0	0	0	0	0	0	0	0	0		
Awaiting Decision by Court of Appeals	0	0	0	0	0	0	0	0	0	0		

\* One appeal was reopened by the Secretary's Office after a dismissal order was issued and appealed. (See Shafi v Commerce, Hrg # 08-57)

\*\* The case (Bellin Farm, Hearing # 08-27) settled after hearing. A formal decision will not be issued.

\*\*\* One case (Shafi, Hearing #08-57) was withdrawn after hearing. PECFA eligibility was reconsidered and granted.

**New Appeals Received in October**

The department received six (6) new appeals in October in the amount of \$12,198.83. There were 9 appeals pending at the end of the month.

New Appeals						
Appellant	Expr10	UCID	Issue(s)	Amount	DecDate	RecDate
James Gauthier	53594-1432-11	09-33	deductable	\$5,000.00	10/7/2009	10/22/2009
Clifford J. Gidlund	53105-7962-07	09-34	regulatory correspondence	\$1,189.31	9/23/2009	10/23/2009
David Miller	54235-2521-11	09-31	over 60k cap	\$2,956.87	9/23/2009	10/14/2009
Thomas W. Miller	54313-5537-71B	09-29	sampling	\$374.00	9/9/2009	10/8/2009
Don Olin	53520-9601-61	09-30	closure report	\$1,915.65	9/9/2009	10/8/2009
Pat Schreiner	54449-4106-01	09-32	over SI Cap	\$763.00	10/7/2009	10/21/2009

**Appeals Closed in October**

The following four (4) appeals were closed in October. The average number of days from receipt of the appeal to decision was 44 days for all appeals closed. The total amount appealed in the closed cases was \$6,130.89. The total amount paid was \$6,130.89, or 100% of the total appealed.

Closed Appeals							
Appellant	Hrg #	Issue(s)	Appeal Amt	Days2Dec	AmountPaid	DecisionSum	FinalDecDate
James Gauthier	09-33	deductable	\$5,000.00	8	\$5,000.00	settled	10/30/2009
Brian A. Johnson	09-17	no docs	\$31.20	126	\$31.20	settled	10/26/2009
Pat Schreiner	09-32	over SI Cap	\$763.00	8	\$763.00	settled	10/29/2009
Joyce Weyer	09-28	over cap, U&C	\$336.69	32	\$336.69	settled	10/28/2009

**Hearings Held In Month**

There were no hearings held in October.

**Appeals Set for Hearing**

There is one hearing scheduled in the future.

Hearings Scheduled Future						
Appellant	PECFAID	Hrg#	Days2Hrg	Issue(s)	Amount	HrgDate
Sharif Malik	53223470909	09-18	146	not bid, over cap	\$9,336.55	11/11/2009

**Appeals Heard but not Decided**

There are no cases currently awaiting proposed decision following hearing.

**Proposed Decisions Issued**

There are no proposed decisions awaiting final decision by the Secretary's Office.

**Final Decisions Issued**

There were no final decisions issued by the Secretary's Office in October.

**Decisions Appealed to Circuit Court**

There are no final decisions currently appealed in Circuit Court.

**Final Decisions Issued after Judicial Review**

There were no decisions issued by the Circuit Court following review of a Final Decision.

**Final Decision Issued by the Court of Appeals**

There are no appeals awaiting decisions in the court of appeals.