

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

MAY 7, 1996

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

**Nos. 95-2285
95-2286
95-2802**

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

No. 95-2285

LIBBIE PESEK,

Petitioner-Appellant,

v.

**LINCOLN COUNTY,
LINCOLN COUNTY GENERAL
RELIEF AGENCY
and LINCOLN COUNTY
DEPT. OF SOCIAL SERVICES,**

Respondents-Respondents.

No. 95-2286

LIBBIE PESEK,

Petitioner-Appellant,

v.

LINCOLN COUNTY,

**and LINCOLN COUNTY
DEPARTMENT OF SOCIAL
SERVICES, GENERAL
RELIEF AGENCY,**

Respondents-Respondents.

No. 95-2802

LIBBIE PESEK,

Petitioner-Appellant,

v.

**LINCOLN COUNTY BOARD OF
SUPERVISORS, LINCOLN COUNTY
DEPARTMENT OF SOCIAL
SERVICES, and LINCOLN COUNTY
GENERAL RELIEF,**

Respondents-Respondents.

APPEALS from judgments of the circuit court for Lincoln County:
ROBERT N. LEDIN, Judge. *Affirmed.*

Before Cane, P.J., LaRocque and Myse, JJ.

PER CURIAM. Libbie Pesek appeals judgments denying her mandamus and declaratory relief and upholding Lincoln County's decision denying her medical and nonmedical general relief. The County denied her general relief after she refused to sign two consent forms, the first authorizing the County to be reimbursed for the cost of general relief benefits if she received retroactive federal disability benefits and the second releasing her medical

records for review by welfare officials. Because we conclude that the County properly denied general relief benefits based on Pesek's refusal to sign the reimbursement form, we decline to review any of the issues relating to the medical authorization form and affirm the judgments.

Pesek applied for both Federal SSI disability and County general relief benefits. Pesek refused to sign a form that gives the County permission to be reimbursed from any retroactive SSI benefits she received. General relief applicants are not eligible for benefits if they receive SSI benefits. *See* § 49.015(2)(a), STATS. The legislature has explicitly given the County authority to require general relief recipients to sign a reimbursement form. *See* § 49.02(2r), STATS. This explicit authority carries with it implicit authority to deny general relief benefits for a recipient who refuses to sign the form. Without this power, the County would be unable to carry out the statute's purpose of preventing general relief recipients from keeping both general relief and SSI benefits.

Pesek raises numerous issues regarding the requirement that she consent to release of her medical records and the manner in which that rule was promulgated. Because Pesek refuses to sign the reimbursement form, she is not entitled to medical benefits regardless of the propriety of the medical records consent policy. Therefore, a decision on the medical records argument would not have a practical effect on the question of whether Pesek is entitled to general relief medical benefits and this court will not decide that moot issue. *See State ex rel. Wisconsin Envtl. Decade v. Joint Comm. for Review of Admin. Rules*, 73 Wis.2d 234, 236, 243 N.W.2d 497, 498 (1976).

Finally Pesek argues that the County may not be represented in these cases by the attorney for its liability insurer. Pesek contends that her due process rights were violated because the County did not appear by its corporation counsel. She has failed, however, to establish how the County's choice of attorney impacts any of her substantial rights.

By the Court. — Judgments affirmed.

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This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.