



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Milwaukee Enrollment Services, Petitioner

REHEARING

vs.

DECISION

██████████ Respondent

Case #: FOF - 169237

Pursuant to petition filed October 8, 2015, under Wis. Admin. Code §HA 3.03, and 7 C.F.R. § 273.16, to review a decision by Milwaukee Enrollment Services to disqualify ██████████ from receiving FoodShare benefits (FS) for a period of one year, a hearing was held on November 16, 2015. Respondent did not appear. The Division of Hearings and Appeals issued a Decision on December 18, 2015 that sustained the imposition of a 1 year FoodShare intentional program violation disqualification. Respondent then submitted a written request for a rehearing. That request was granted. A new hearing was scheduled for March 1, 2016. Respondent did not appear on March 1, 2016 and no new hearing was held as the agency evidence was the same as presented in the original hearing.

PARTIES IN INTEREST:

Petitioner:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703

By: ██████████
Milwaukee Enrollment Services
1220 W. Vliet Street
Milwaukee, Wisconsin 53205

Respondent:

██████████
██████████

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

CONCLUSIONS OF LAW

That the original Decision issued on December 18, 2015 that sustained the imposition of a one year disqualification of receipt of FoodShare because of an intentional program violation is unchanged.

NOW, THEREFORE, it is

ORDERED

That the Petitioner's determination is sustained, and that the Petitioner may make a finding that the Respondent committed a first IPV of the FoodShare program and disqualify the Respondent from the program for one year, effective the first month following the date of receipt of this Decision if it has not done so already following the original Decision in this matter.

APPEAL TO COURT

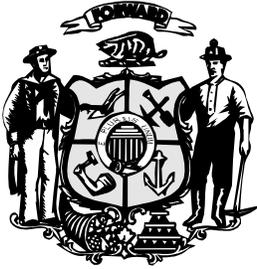
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, WI 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing request (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 23rd day of March, 2016

\sDavid D. Fleming
Administrative Law Judge
Division of Hearings and Appeals

c: Miles - email
Public Assistance Collection Unit - email
Division of Health Care Access and Accountability - email
Pamela [REDACTED] - email



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on March 23, 2016.

Milwaukee Enrollment Services
Public Assistance Collection Unit
Division of Health Care Access and Accountability
Pamela. [REDACTED]@dhs.wisconsin.gov