



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/170238

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**PRELIMINARY RECITALS**

Pursuant to a petition filed November 18, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on December 16, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether Petitioner’s application for FoodShare benefits was correctly denied for failing to provide verification.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED] |  
[REDACTED]  
[REDACTED]

Respondent:

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

By: Simone Johnson  
Milwaukee Enrollment Services  
1220 W Vliet St, Room 106  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

David D. Fleming  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.

2. Petitioner was sent a Notice of Decision dated November 2, 2015 that informed her that her FoodShare benefits were to be discontinued effective December 1, 2015 for failing to verify employment information.
3. Petitioner's FoodShare and BadgerCare+ cases were being reviewed by the agency as possible overpayment cases in October 2015 when the agency became aware of new employment for Petitioner.
4. The agency sent Petitioner a request for verification of earnings dated October 13, 2015 seeking information about Petitioner's new employment. The requested information was due October 22, 2015. The agency did not receive the request information thus issued the notice noted at Finding # 2.

### DISCUSSION

A FoodShare recipient is required to report any change in income that increases gross income to more than 130% of the Federal Poverty Level for the household size. Even if, however, a change need not be reported an agency is required to act on changes it learns of. See *Food Share Wisconsin Handbook (FSH)*, §6.1.1.2. This means that the agency had to see verification of Petitioner's new job and income when it learned of it as verification of income is mandatory for FoodShare eligibility. *Food Share Wisconsin Handbook (FSH)*, §1.2.4.1. A request for verification must be made in writing. *Id.*, §1.2.1.2. It is the FoodShare recipient's responsibility to provide verification but the agency must help if requested. If a third-party verification source is not cooperative, the best source of information available to be used. *Id.*, §1.2.1.3.

In this case Petitioner contends she never received the verification request as the postal carrier mixes up and/or opens her mail. I am not convinced that this occurs. Regardless, Petitioner did receive the November 2, 2015 discontinuance notice and did file an appeal on November 18, 2015. This provided her with time to get the required verification to the agency before the December 1, 2015 discontinuance of benefits. I am, therefore, concluding that the agency correctly discontinued Petitioner's FoodShare for lack of verification.

Petitioner may certainly reapply for FoodShare benefits if she has not done so already.

### CONCLUSIONS OF LAW

That the evidence is sufficient to demonstrate that required verification of income was not provided thus the agency correctly discontinued Petitioner's FoodShare benefits.

**THEREFORE, it is**

**ORDERED**

That this appeal is dismissed.

### REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and

why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

**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, Wisconsin 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 (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 12th day of January, 2016

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



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on January 12, 2016.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability