



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION ON REHEARING

FWP/170247

PRELIMINARY RECITALS

Pursuant to a petition filed November 23, 2015, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a telephonic rehearing was held on April 19, 2016, at Milwaukee, Wisconsin.

There is no issue for determination.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: , HSPC Sr.
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Kelly Cochrane
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Milwaukee County.
2. Petitioner has been found to be a medically exempt ABAWD from December 2015-May 2016.

DISCUSSION

This matter was originally heard on January 26, 2016 and the issue was whether the agency correctly discontinued petitioner's FS on December 1, 2015 for failing to meet Able-Bodied Adult without Dependent (ABAWD) work requirements. According to the *FS Handbook*:

Able-Bodied Adults without Dependents (*ABAWDs*) must either meet the ABAWD work requirement or an exemption from the work requirement in order to continue to receive FoodShare (FS) benefits. Non-exempt ABAWDs who do not meet the work requirement will only be allowed to receive up to 3 full months of time-limited benefits (*TLB*) in a 36-month time period.

See *FS Handbook*, §3.17.1.1, available online at <http://www.emhandbooks.wisconsin.gov/fsh/fsh.htm>.

On February 3, 2016 this administrative law judge issued Decision No. FWP/170247 upholding the agency's action. Petitioner then timely requested a rehearing, which was granted and held on April 19, 2016. At that time the agency's representative stated that petitioner had been found medically exempt from the ABAWD work requirement from December 1, 2015-May 31, 2016 and her FS for those months were continued. As such, there is no issue for determination.

It appears from the testimony at hearing that petitioner will need to provide proof of her medical exemption again so that the agency can exempt her for June 1, 2016 and the next 5 months. Petitioner is reminded to do so here. She may want to contact the agency to determine exactly when that verification of exemption is due so that June FS are not interrupted.

CONCLUSIONS OF LAW

The matter is moot.

THEREFORE, it is

ORDERED

The petition for review herein is hereby dismissed.

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 27th day of April, 2016

\sKelly Cochrane
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 April 27, 2016.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability