



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

ENE/170614

PRELIMINARY RECITALS

Pursuant to a petition filed December 04, 2015, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Florence County Department of Human Services in regard to Energy Assistance, a hearing was held on January 12, 2016, at Florence, Wisconsin.

The issue for determination is whether the agency erred in its denial of energy assistance.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Administration
101 East Wilson Street
Madison, Wisconsin 53703

By: [REDACTED], Energy Services Worker
Florence County Department of Human Services
501 Lake Ave.
PO Box 170
Florence, WI 54121-0170

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Florence County.
2. Petitioner applied for energy assistance on November 19, 2015 over the telephone.
3. Following that application, petitioner was sent a hard copy of a certification (see ex. #4) for him to sign to finalize the application. Petitioner did not sign that certification.

4. The agency issued a denial of energy assistance due to petitioner's failure to sign the certification.

DISCUSSION

The certification page of the energy assistance application is a necessary part of the application. The page, when executed by the applicant, attests that the petitioner has not misrepresented facts and understands his or her obligations under program rules. At hearing, petitioner provided various vague explanations for his failure or refusal to sign the certification page of the application. Petitioner's position seems simply uncooperative to this ALJ. The petitioner's illogical explanation borders on conspiracy theory. The simple fact is that nothing in the certification page is unreasonable to expect from a person who is applying for a government benefit to be given to him.

Petitioner is free to not seek the government benefits. But, if he wishes to receive it, he must comply with the program rules including signing the application certification.

CONCLUSIONS OF LAW

The agency did not err in denying energy assistance because petitioner has refused to sign the application.

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 Administration, 101 East Wilson Street, 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 Madison,
Wisconsin, this 25th day of January, 2016

\sJohn P. Tedesco
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 25, 2016.

Florence County Department of Human Services
DOA - Energy Assistance