



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FOP/171336

PRELIMINARY RECITALS

Pursuant to a petition filed January 12, 2016, under Wis. Admin. Code §HA 3.03, to review a decision by the Public Assistance Collection Unit (PACU) in regard to FoodShare benefits (FS), a hearing was held on February 2, 2016, by telephone.

The issue for determination is whether the petitioner was overpaid by receiving duplicate benefits from Wisconsin and North Carolina.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:



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Respondent:

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

By: [Redacted] PARIS Interstate Agent
Public Assistance Collection Unit
PO Box 8938
Madison, WI 53708-8938

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Rock County.
2. The petitioner resided in North Carolina until August 2013. While in North Carolina, she was a member of a FS household headed by her daughter, EF.

3. The petitioner moved to Wisconsin in August 2013, and applied for FS. She received FS from October 2013 through at least August 31, 2014.
4. EF filed an FNS Recertification Form (similar to a SMRF or annual review form for Wisconsin FS) with North Carolina on August 19, 2013. On the Form, she changed the number of household members from "4" to "3," and underlined the petitioner's name as the absent person. In a separate portion of the Form, which called for EF to list all household members, she wrote in three names, which did not include the petitioner. Nonetheless, North Carolina continued to issue FS to EF for a four person household until August 2014. This created an FS overpayment, due to the North Carolina agency's error.
5. Unaware that the duplicate FS overpayment was caused by another state agency's error, Wisconsin mailed a *FoodShare Overpayment Notice* to the petitioner on December 16, 2015. The *Notice* advised the petitioner that she had been overpaid \$1,890.00 in FS from November 1, 2013 through August 31, 2014, due to "client error." The petitioner appealed.
6. Post-hearing, Wisconsin acknowledged that the error was caused by the agency in a different state. Wisconsin PACU has now "written off" or canceled the \$1,890 claim (# [REDACTED]) against the petitioner.

### DISCUSSION

Post-hearing, Wisconsin acknowledged that the error was caused by the agency in a different state. Wisconsin PACU has now "written off" or canceled the \$1,890 claim (# [REDACTED]) against the petitioner. Thus, there will be no further FS overpayment recovery efforts against the petitioner for the November 2013 through August 2014 period, and there is nothing further for me to adjudicate here.

### CONCLUSIONS OF LAW

1. North Carolina overpaid the petitioner's former FS household for the November 2013 through August 2014 period due to that state agency's error. The petitioner is not liable for any resulting overpayment.
2. The Wisconsin PACU has canceled the \$1,890 claim against the petitioner for the November 2013 through August 2014 period.

**THEREFORE, it is**

**ORDERED**

That the petition 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 Madison,  
Wisconsin, this 10th day of February, 2016

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Nancy J. Gagnon  
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 February 10, 2016.

Public Assistance Collection Unit  
Public Assistance Collection Unit  
Division of Health Care Access and Accountability