



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FOO/171827

PRELIMINARY RECITALS

Pursuant to a petition filed February 03, 2016, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Kenosha County Human Service Department in regard to FoodShare benefits (FS), a hearing was held on March 17, 2016, at Racine, Wisconsin.

The issue for determination is whether the agency correctly ended the Petitioner’s FoodShare benefits effective February 1, 2016.

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:  Lead Economic Support Specialist
Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Racine County.
2. On December 21, 2015, the agency sent the Petitioner a six-month report form to complete. The instructions for the form indicated that it was due January 5, 2016. The agency sent this notice to the Petitioner at an address on . (Exhibit 6)

3. On January 19, 2016, the agency sent the Petitioner a notice, advising her that her FoodShare benefits would be ending effective, February 1, 2016, because she did not complete her six-month report form. This was sent to the Petitioner at the [REDACTED] address. (Exhibit 4)
4. On January 20, 2016, the agency received the six-month report form, as returned mail. (Exhibit 7)
5. On January 22, 2016, the agency sent the Petitioner another notice, again advising her that she would not be enrolled in the FoodShare program effective February 1, 2016, because she did not complete her six month report form. The notice further advised the Petitioner that she needed to contact the agency before the end of the month, if she wanted her benefits to continue. This notice was sent to the Petitioner at an address on [REDACTED]. (Exhibit 4)
6. The Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on February 3, 2016. (Exhibit 1)

DISCUSSION

“Food units certified for 12 months, and subject to reduced change reporting requirements, are required to submit a six-month report form (SMRF) in the sixth month of the certification period.” *Wisconsin FoodShare Manual §6.1.2* “To be considered timely, a SMRF must be returned to the local agency by the 5th day of the process month (month 6). If the HH failed to return a timely SMRF, FS FoodShare will close effective the last day of the process month at adverse action.” *Id.*

It is undisputed that the Petitioner did not complete her SMRF. It is undisputed that the Petitioner never received the notice to complete her SMRF and that it was returned to the agency.

The agency sent the December 2015 notice regarding the SMRF to the Petitioner’s last known address on [REDACTED]. The Petitioner testified that she moved from the [REDACTED] on September 2015 and stayed at her mother’s address on [REDACTED] for about three weeks. She then relied on General Delivery, until she moved into her current residence in 2016. The Petitioner testified that she never reported her changes in address to the agency.

The Petitioner did not get the notice of SMRF, because she did not contact the agency and update her address. As such, she has caused a potential under-issuance of benefits. Under such circumstances, the Petitioner’s benefits cannot be restored. *Wisconsin FoodShare Manual §7.4.1.1*

The agency correctly ended the Petitioner’s FoodShare benefits effective February 1, 2016, due to a lack of a six month report form. The Petitioner will have to complete a new application for FoodShare benefits.

CONCLUSIONS OF LAW

The agency correctly ended the Petitioner’s FoodShare benefits effective February 1, 2016.

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 Milwaukee,
Wisconsin, this 28th day of March, 2016

\sMayumi M. Ishii
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 March 28, 2016.

Kenosha County Human Service Department
Division of Health Care Access and Accountability