



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FOO/173239

PRELIMINARY RECITALS

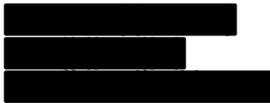
Pursuant to a petition filed March 30, 2016, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on April 28, 2016, at Milwaukee, Wisconsin.

The issue for determination is whether Petitioner is eligible for Transitional FoodShare (TFS) 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: [Redacted]
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 filed this appeal seeking an order directing that she be given Transitional FoodShare (TFS) eligibility as of February 2016.

- 3. Petitioner was a W-2 recipient. Her last W-2 check was issued on January 29, 2016 in the amount of \$397.00. W-2 records state that it is for benefit period beginning January 1, 2016.

DISCUSSION

In order to receive Transitional FoodShare a person must meet the following standard:

5.1.1.1 TFS Introduction

Transitional FoodShare (TFS) benefits automatically extend FoodShare benefit eligibility for 5 months to food units whose Wisconsin Works (W-2) or Tribal TANF (TT) cash assistance ends as long as:

- 1. the member was part of an active FS case in the benefit month and the month the last W-2 or TT payment was issued, ...
FSH, §5.1.1.1.

Transitional FoodShare benefits are calculated as follows:

5.1.1.2 TFS Benefit Calculation

The TFS allotment is calculated using the income (less the W2 payment), expenses, and food group size from the month prior to the last W-2 cash payment (benefit determination month). This amount is frozen for the next 5 consecutive months, regardless of the number of months remaining in the most recent certification period for regular FS....
FoodShare Wisconsin Handbook (FSH), §5.1.1.2.

Here Petitioner’s FoodShare case was open through January 2016 and W2 records do state that her final W-2 payment of \$397 was issued for the month of January 2016. I understand the agency belief that the January 29, 2016 W2 check was for February 2016 given the issue date but the computerized case records are quite specific and state that the \$397.00 was for January 2016. I conclude that Petitioner was eligible for TFS as of February 1, 2016. The agency will have to determine the TFS allotment based on the directions noted at *FSH, §5.1.1.2.*

CONCLUSIONS OF LAW

That Petitioner does meet the criteria necessary for Transitional FoodShare eligibility.

THEREFORE, it is ORDERED

That the agency will have to determine Petitioner’s Transitional FoodShare allotment and issue that benefit amount effective February 1, 2016. This must be done by June 8, 2016.

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 31st day of May, 2016

\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 May 31, 2016.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability