



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Milwaukee Enrollment Services, Petitioner

REHEARING

vs.

██████████ Respondent

DECISION

Case #: FOF - 174082

Pursuant to petition filed May 5, 2016, under Wis. Admin. Code §HA 3.03, and 7 C.F.R. § 273.16, to review a decision by Milwaukee Enrollment Services to disqualify ██████████ from receiving FoodShare benefits (FS) for a period of one year, a hearing was scheduled for Wednesday, September 21, 2016 at 11:00:00 AM. Respondent did not appear. The Division of Hearings and Appeals issued a Decision on July 19, 2016 that sustained the imposition of a 1 year FoodShare intentional program violation disqualification. Respondent then submitted a written request for a rehearing. That request was granted. A new hearing was scheduled for September 21, 2016. Respondent did not appear on September 21, 2016 and no new hearing was held as the agency evidence was the same as presented in the original hearing.

PARTIES IN INTEREST:

Petitioner:

Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

Respondent:

██████████
██████████
██████████

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

CONCLUSIONS OF LAW

That the original Decision issued on July 19, 2016 that sustained the imposition of a one year disqualification of receipt of FoodShare because of an intentional program violation is unchanged.

NOW, THEREFORE, it is

ORDERED

That the Petitioner's determination is sustained, and that the Petitioner may make a finding that the Respondent committed a first IPV of the FoodShare program and disqualify the Respondent from the program for one year, effective the first month following the date of receipt of this Decision if it has not done so already following the original Decision in this matter.

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, WI 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 request (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 10th day of October, 2016

\sDavid D. Fleming
Administrative Law Judge
Division of Hearings and Appeals

c: Miles - email
Public Assistance Collection Unit - email
Division of Health Care Access and Accountability - email
[REDACTED] - email



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAMail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on October 10, 2016.

Milwaukee Enrollment Services
Public Assistance Collection Unit
Division of Health Care Access and Accountability
[REDACTED]@dhs.wisconsin.gov