



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

FOO/142526

PRELIMINARY RECITALS

Pursuant to a petition filed July 20, 2012, 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 September 18, 2012, at Milwaukee, Wisconsin.

The issue for determination is whether the agency correctly sought verification of Petitioner's new shelter expense and if it correctly eliminated that expense from Petitioner's FoodShare allotment calculation when it did not receive the requested verification.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Mary Hartung
Milwaukee Enrollment Services
1220 W Vliet St
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 was notified that her FoodShare allotment was to decrease effective August 1, 2012 from \$403 per month to \$215 per month.

3. Petitioner moved to a new residence as of July 1, 2012. She did notify the agency of the move on June 27, 2012. When she reported the move she first indicated to the worker that her new shelter expense was \$700 per month but then changed that, and indicated that it was \$950 per month. This prompted the agency to seek verification of Petitioner's shelter expense and sent her a request for verification dated June 27, 2012 that asked Petitioner to provide proof of rent by July 6, 2012.
4. Petitioner submitted multiple copies of a rent receipt in July 2012 but none were legible. Without the verification of Petitioner's rent obligation the agency excluded the shelter expense from the calculation of Petitioner's FoodShare benefits effective August 2012.

DISCUSSION

Shelter and utility expenses are a component of the FS allotment calculation. *FoodShare Wisconsin Handbook (FSH)*, § 8.1.3. They are not typically items that require verification. *FoodShare Wisconsin Handbook (FSH)*, § 1.2.4.7. If, however, the FS recipient statement to the agency is questionable, verification is required. *Id.*

Here Petitioner reported her move as required but her statement as to her rent obligation was unclear thus the agency was justified in seeking verification. The verification that was received by the agency was not legible. Thus the agency did not include the shelter expense in the FS allotment calculation.

This hearing was conducted with Petitioner via telephone. During the hearing Petitioner indicated that she had the receipt, that it was legible and that she could resend it. The hearing was briefly recessed and Petitioner faxed the rent receipt to the hearing site. It was completely different than the rent receipt previously submitted. At that point in the hearing Petitioner stated that her landlord was out of town when the receipt was originally requested so she completed the receipt herself and submitted it. The rent receipt faxed in at the time of hearings was a proper rent receipt completed by the landlord.

By definition in the FSH "Verification is the use of documentary evidence or a collateral contact with a third party to confirm the accuracy of statements or information." *FSH §1.2.1.*

The rent receipts submitted by Petitioner while her landlord was out of town clearly do not meet this definition. Thus I conclude that the agency correctly discontinued the shelter expense component of Petitioner's FoodShare allotment calculation effective August 2012.

Once a change is reported it can affect a FoodShare benefit in the month after the month of report. *FSH, §6.1.3.3.* Here Petitioner reported and verified her rent expense accurately in September 2012 thus the agency should make a determination as to its effect on her FoodShare allotment for the month of October 2012 and adjust benefits accordingly. If it did not do so, Petitioner may request a new hearing with respect to her October benefits.

CONCLUSIONS OF LAW

That the agency correctly discontinued Petitioner shelter expense effective August 2012 in the determination of Petitioner's FoodShare allotment because Petitioner did not verify a questionable shelter expense.

THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 3rd day of October, 2012

David D. Fleming
Administrative Law Judge
Division of Hearings and Appeals

c: Milwaukee Enrollment Services - email
Department of Health Services - email



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on October 3, 2012.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability