



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]

DECISION

FOO/143382

PRELIMINARY RECITALS

Pursuant to a petition filed August 27, 2012, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Rock County Department of Social Services in regard to FoodShare benefits (FS), a telephonic hearing was held on October 24, 2012, at Janesville, Wisconsin. At the request of petitioner, a hearing set for September 19, 2012 was rescheduled. At the request of the parties, the record was held open for the submission of income verification for Mr. [REDACTED] and closing arguments to the Division of Hearings and Appeals (DHA). The petitioner timely submitted Mr. [REDACTED]'s income verification to the county agency, and the county representative timely submitted her reconsideration statement with documentation.

The issue for determination is whether there is any remaining issue in dispute regarding the county agency's calculation of petitioner's FoodShare eligibility and benefits retroactive to September 1, 2012 for a FS household of two.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Pam Edmonds, ES Supervisor

Rock County Department of Social Services
1900 Center Avenue
PO Box 1649
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County who resides with her boyfriend, [REDACTED].
2. The petitioner received FoodShare (FS) benefits for a household of two.
3. The petitioner received weekly Unemployment Compensation (UC) benefits of \$177. Her UC benefits ended as of November, 2012.
4. The petitioner submitted her six month report form (SMRF) to the county agency about August 13, 2012.
5. That SMRF indicated that [REDACTED] began new employment at [REDACTED] during about August, 2012.
6. The county agency sent an August 21, 2012 Notice of Decision to the petitioner stating that her FS benefits would discontinue effective September 1, 2012, due to net household income of \$1,568.65 which was above the FS net income limit of \$1,226 for a household of two.
7. During the October 24, 2012 hearing, the petitioner and the county representative stipulated that: a) petitioner would within one week submit to the county agency employer verification of Mr. [REDACTED]'s earned income at [REDACTED]; b) the county agency would re -calculate the petitioner's FS eligibility and benefits retroactive to September, 2012; and c) issue to the petitioner and DHA the county's reconsideration statement regarding the re-calculation of petitioner's FS benefits and FS budget screens confirming the petitioner's FS benefits retroactive to September 1, 2012.
8. The county agency's October 31, 2012 reconsideration statement stipulated that petitioner was eligible for the following FS benefits based upon verification of the household's income: a) September, 2012 - \$16; b) October, 2012 - \$16; and c) November, 2012 - \$367 (with no UC benefits for petitioner).

CONCLUSIONS OF LAW

There is no longer any remaining issue in dispute regarding the petitioner's FoodShare eligibility and benefits retroactive to September 1, 2012 because the county agency correctly re-calculated the petitioner's FS eligibility and benefits as stipulated in Finding of Fact #8 above.

THEREFORE, it is

ORDERED

The matter is remanded to the county agency with instructions to issue to the petitioner the following FS benefits: a) September, 2012 - \$16; b) October, 2012 - \$16; and c) November, 2012 - \$367, within 10 days of the date of this Decision.

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 served and 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, 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 Madison,
Wisconsin, this 10th day of December, 2012

\sGary M. Wolkstein
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 December 10, 2012.

Rock County Department of Social Services
Division of Health Care Access and Accountability