



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

FOO/143751

PRELIMINARY RECITALS

Pursuant to a petition filed September 10, 2012, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Milwaukee County Dept. of Human Services in regard to FoodShare benefits (FS), a hearing was held on October 10, 2012, by telephone.

The issue for determination is whether petitioner's August, 2012 FS should have been increased after a reported change.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Belinda Bridges
Milwaukee County Dept. of Human Services
1220 W. Vliet Street
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. In July, 2012 petitioner received FS based upon earned income from [REDACTED] along with unemployment compensation (UC) received in June, 2012. Petitioner received \$257 in FS.
3. On July 25, 2012, petitioner reported that she had a new job working full-time at [REDACTED]. She provided pay stubs from the new job, but the agency asked her to verify the end of the [REDACTED] job. She provided that verification on August 1.

4. FS did not change for August because no changes were implemented. Petitioner contacted the agency in August and reported again that UC had ended in June. The worker then made the changes, and effective September 1, 2012 FS increased to \$489.

DISCUSSION

If a person reports a change that will result in increased FS, the general rule is that the increase will take place in the month after the change is reported. 7 C.F.R. §273.12(c)(1). The FS Handbook, Appendix. 6.1.3.3, requires:

All reported changes that cause an increase in the FS benefit including person additions, increases in expenses, etc., will be effective the first of the month following the report month if required verifications are received within 10 days of the request for verification.

The FS rules require changes to be made in the month after the change is reported, not the month that the change occurs.

I conclude that August FS should have been increased. Petitioner reported the change on July 25 and filed the proper verification within the 10-day time limit. Petitioner testified that she told the worker on July 25 that UC had ended as well, which makes sense since the new job was full-time. The July 25 worker did not enter any case comments, so I conclude that petitioner reported both the new job and the end of UC on July 25. I thus will order that a supplement of \$232 (the difference between the \$257 issued and the \$489 that would have been issued if the changes had been implemented timely) in FS be issued for August.

CONCLUSIONS OF LAW

Petitioner's FS should have increased August 1, 2012 because petitioner reported the changed income in July and verified the change within the 10-day limit.

THEREFORE, it is

ORDERED

That the matter be remanded to the agency with instructions to issue petitioner a \$232 FS supplement for August, 2012 within 10 days 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 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 11th day of October, 2012

Brian C. Schneider
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 October 11, 2012.

Milwaukee County Department of Human Services
Division of Health Care Access and Accountability