



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

FOO/144377

PRELIMINARY RECITALS

Pursuant to a petition filed October 10, 2012, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Fond du Lac County Department of Social Services in regard to FoodShare benefits (FS), a hearing was held on December 6, 2012, at Fond du Lac, Wisconsin.

The issue for determination is whether the county agency correctly discontinued the petitioner's FS effective October 1, 2012.

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: Debra Abitz, ES Spec.
Fond Du Lac County Department of Social Services
87 Vincent Street
Fond Du Lac, WI 54935-4595

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Fond du Lac County.
2. The petitioner has been an ongoing FS recipient for many years. His case was due for a periodic review in September 2012. On September 18, 2012, the county agency issued written notice to the petitioner advising that his FS case would be discontinued effective October 1, 2012. Exhibit

1. The basis for discontinuance was that the petitioner had not completed his review, because he had not returned the review signature page.
3. The petitioner subsequently completed the review, and the agency has reopened his FS as a household of one person, running from October 1, 2012, forward. The Department issued a \$103 allotment to the petitioner for October 2012.
4. The petitioner had two FS overpayment claims. The first claim, # [REDACTED] was for \$422 from the January through March 2004 period. That claim was paid off in 2011, and nothing more is owed on that claim. Exhibit 2C.

The second claim, # [REDACTED] was for \$310 from the November through December 2006 period. The Department recouped \$11 monthly from the petitioner's FS allotments for this claim from February 2012 forward, in addition to earlier recoupments. After the \$11 recoupment was taken from the December 1 allotment, a balance due of **\$108 remains**. Exhibit 2D. The petitioner belatedly attempted to contest claim # [REDACTED] in April 2007 with the Division of Hearings and Appeals (our case #84196), but that appeal was dismissed because it was filed after the relevant statutory deadline.

DISCUSSION

The petitioner appealed the apparent closure of his FS case effective October 1, 2012. However, his case has been reopened, and October FS benefits were issued. Thus, no issue remains for resolution by this Administrative Law Judge.

The petitioner also complained at hearing that he should not still be paying back on an old FS overpayment claim. He offered no specific numbers to support this assertion. As an informational courtesy to the petitioner, I have researched his overpayment history and came up with the information given in Finding #4 above. The upshot is that the petitioner paid off one claim, and currently owes \$108 on the other.

CONCLUSIONS OF LAW

1. Because the petitioner's FS case was reopened effective October 1, 2012, no issue remains for resolution by the Administrative Law Judge at this time.

THEREFORE, it is

ORDERED

That the petition 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 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 8th day of December, 2012

\sNancy J. Gagnon
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.

Fond Du Lac County Department of Social Services
Division of Health Care Access and Accountability