



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

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In the Matter of

[REDACTED]

DECISION

WWW/145031

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**PRELIMINARY RECITALS**

Pursuant to Wis. Stat. §49.152(1), petitioner filed a request for a Wisconsin Works (W-2) fact finding review with PSI NW Region, a W-2 agency, on October 8, 2012. A fact finding review was held and a fact finding decision was issued on October 17, 2012.

Petitioner timely appealed to the department from the fact finding decision on November 7, 2012. See Wis. Stat. §49.152(2)(b), (c). The fact finding file was received by the Division on November 7, 2012.

The issue for determination is whether the petitioner abandoned her appeal.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Represented by:

Patricia DeLessio  
Legal Action of Wisconsin  
230 West Wells Street, Room 800  
Milwaukee, WI 53203

Wisconsin Department of Children and Families  
201 East Washington Avenue, Second Floor  
Madison WI 53703-2866

By:

Wisconsin Works (w-2)

FACT FINDER: Maya Robinson

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.

2. The petitioner's W-2 case was closed on August 22, 2012, because she failed to attend a mandatory meeting. She then missed a mandatory meeting scheduled for September 7, 2012, to reopen her case.
3. The petitioner requested a fact finding hearing on October 8, 2012.
4. The W-2 agency notified the petitioner by certified mail that she would have a hearing on October 17, 2012. The letter was properly addressed to the petitioner's home, but she did not acknowledge receipt of it.
5. The W-2 agency dismissed the petitioner's request on October 17, 2012, because she failed to appear for her fact-finding. That decision notified her that she had seven days to request a rehearing if she disagreed with the finding. The petitioner received this decision and notice.
6. The petitioner asked for a rehearing on November 7, 2012.

### **DISCUSSION**

W-2 is Wisconsin's public assistance work program outlined at Wis. Stat. §§49.141 -.161. It supplanted the prior federal-state cash payment program, Aid to Families with Dependent Children (AFDC), described at Wis. Stat. §49.19. In this matter, the petitioner failed to appear for her hearing, and her appeal was dismissed as abandoned. She claims that she did not receive notice of it. It is true that the agency sent a notice by certified mail that she did not acknowledge, but the decision sent to her indicated she had seven days to respond if she disagreed with the finding that her request was abandoned. She obviously received that letter because she responded to it. However, her response came 20 days later. Based upon this, I find that she has abandoned her hearing under Wis. Stat. § 49.152(2)(a)2. I note that her failure to respond on time is consistent with her actions throughout this matter: her case closed on August 22, 2012, because she failed to attend a mandatory meeting, and she then missed a mandatory meeting scheduled for September 7, 2012, to reopen her case.

### **CONCLUSIONS OF LAW**

The petitioner has abandoned her appeal

**NOW, THEREFORE, it is** **ORDERED**

The petitioner's appeal is dismissed.

### **REQUEST FOR A NEW HEARING**

This is a final fair hearing decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a new hearing. You may also ask for a new hearing if you have found new evidence which would change the decision. To ask for a new hearing, 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 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.

Your request for a new hearing must be received no later than 20 days after the date of this decision. Late requests cannot be granted. The process for asking for a new hearing is in Wisconsin Statutes § 227.49. A copy of the statutes can 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 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).

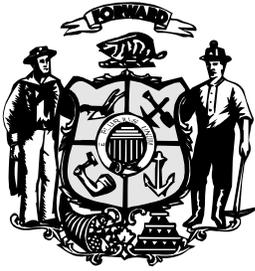
For purposes of appeal to circuit court, the Respondent in this matter is the Department of Children and Families. Appeals must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is 201 E. Washington Avenue, Second Floor, Madison, WI 53703-2866.

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 Wisconsin Statutes, §§ 227.52 and 227.53.

Given under my hand at the city of  
Madison, Wisconsin, this 11th day of  
February, 2013

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Michael D. O'Brien  
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 February 11, 2013.

Wisconsin Works (W-2)  
[pdl@legalaction.org](mailto:pdl@legalaction.org)