



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

FOO/145173

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**PRELIMINARY RECITALS**

Pursuant to a petition filed November 8, 2012, under Wis. Admin. Code § HA 3.03(1), to review a decision by the La Crosse County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on January 7, 2013, by telephone.

No issue remains for determination by the Administrative Law Judge.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Respondent:

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

By: Tom Miller, Supr.

La Crosse County Department of Human Services  
300 N. 4th Street  
PO Box 4002  
La Crosse, WI 54601

**ADMINISTRATIVE LAW JUDGE:**

Nancy J. Gagnon  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of La Crosse County.
2. The petitioner filed an expedited FS application on September 10, 2012, and was found to be eligible. The agency requested that she verify her income. When that verification was not timely received, the October allotment was not issued. Verification was eventually received on

October 15, 2012, and by the time of hearing, a \$109 allotment for the October 15-31, 2012, period had been issued to her.

3. At hearing, the petitioner pointed out that she had stated during her September intake interview that her job was ending in September 2012. Upon confirming this assertion in Case Comments, the agency supervisor agreed to issue FS to the petitioner for the October 1 – 14, 2012 period (\$91). That agreement resolved the matter to the petitioner's satisfaction.

### **DISCUSSION**

At hearing, the petitioner pointed out that she had stated during her September intake interview that her job was ending in September 2012. Upon confirming this assertion in Case Comments, the agency supervisor agreed to issue FS to the petitioner for the October 1 – 14, 2012 period (\$91). That agreement resolved the matter to the petitioner's satisfaction. This means that the petitioner will have gotten the maximum allotment for a household of one person of \$200 for the month of October 2012. See, *Foodshare Wisconsin Handbook*, Appendix 8.1.2, p.1, at <http://www.emhandbooks.wisconsin.gov/fsh/fsh.htm> . The petitioner was agreeable to issuance of this stipulated decision no later than January 11, 2012.

### **CONCLUSIONS OF LAW**

1. The agency has agreed to supplement the petitioner's October 2012 FS by \$91, which is satisfactory to the petitioner.

**THEREFORE, it is**

**ORDERED**

That the petition is *remanded* to the Department with instructions to supplement the petitioner's FS by \$91 within 10 days of the date of this Decision, if it has not already done so. In all other respects, 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 January, 2013

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\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 January 8, 2013.

La Crosse County Department of Human Services  
Division of Health Care Access and Accountability