



FH
[REDACTED]

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

In the Matter of

[REDACTED]

**REHEARING
DECISION**

FOO/145625

PRELIMINARY RECITALS

Pursuant to a petition filed November 27, 2012, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Wood County Human Services - WI Rapids ["County"] in regard to FoodShare benefits ["FS"], a Hearing was scheduled for January 8, 2013. Petitioner failed to appear for that January 8th Hearing. Accordingly, a *Decision* dated January 10, 2013 was issued dismissing petitioner's petition as abandoned.

On February 11, 2013 the Division of Hearings and Appeals ["DHA"] received, via U.S. Mail postmarked February 8, 2013, a letter dated January 6, 2013 from petitioner. That letter was a request for a rehearing. By a *Rehearing Request Order* dated February 12, 2013 DHA granted petitioner's request for a rehearing. A rehearing was held, via telephone, on February 27, 2013.

The issue for determination is whether it was correct to discontinue petitioner's FS effective December 1, 2012.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Beulah Garcia, Resolution Coordinator, Northern Consortia
Wood County Human Services - WI Rapids
320 West Grand Avenue
PO Box 8095
Wisconsin Rapids, WI 54495 -8095

ADMINISTRATIVE LAW JUDGE:
Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Wood County.
2. Petitioner, her child, and her friend moved in with her friend’s mother.
3. The County included the mother of petitioner’s in petitioner’s FS household.
4. The income of the mother of petitioner’s friend put petitioner’s FS household over the FS income limit.
5. The County discontinued petitioner’s FS effective December 1, 2012 because petitioner’s FS household is over the FS income limit.

DISCUSSION

The basic definition of a *household* for purposes of FS is a group of individuals who live together and customarily purchase food and prepare meals together for home consumption. 7 C.F.R. § 273.1(a)(3) (2011); *FoodShare Wisconsin Handbook* ["FWH"] 3.3.1.

Petitioner does not deny that her FS household is over the FS program limit when the income of the mother of her friend is included. However, she claims that the mother of her friend does not want FS and does not eat food that she and her friend purchase with FS.

If the mother of petitioner’s friend does not customarily purchase food and prepare meals together for home consumption with petitioner’s household then she might not be part of petitioner’s household. But see, 7 C.F.R. § 273.1(b)(1)(iii) (2011); FWH 3.3.1.2.(Parental Control). However, petitioner has never reported this, and never provided written verification of this, to the County

CONCLUSIONS OF LAW

For the reason discussed above, it was correct to discontinue petitioner’s FS effective December 1, 2012.

THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby DISMISSED.

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 6th day of March, 2013

\sSean P. Maloney
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 March 6, 2013.

Wood County Human Services - WI Rapids
Division of Health Care Access and Accountability