



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

ENE/146067

PRELIMINARY RECITALS

Pursuant to a petition filed December 17, 2012, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Kenosha County Human Service Department in regard to Energy Assistance, a hearing was scheduled for February 20, 2013, at Kenosha, Wisconsin but was not held. Petitioner did not appear for a prior hearing date; the case was dismissed but Petitioner requested a rehearing and that request was granted.

There is no issue for determination by the Division of Hearings and Appeals.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Administration
101 East Wilson Street
Madison, Wisconsin 53703

By: Karen Mayer

Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

No hearing was conducted for this case. A hearing was scheduled for this case along with a FoodShare appeal (case # FOO-146053) filed by Petitioner; the date for those two hearings was January 15, 2013. Petitioner did not appear and the two cases were dismissed. On January 24, 2013 the Division of Hearings and Appeals received a rehearing request from Petitioner indicating that he was asking for a rehearing for case ENE-146067. That is the above-captioned case. This case, ENE-146067, was scheduled for hearing at February 20, 2013. As the agency representative was walking with Petitioner to the hearing room she learned that Petitioner did not have an issue for resolution with respect to the energy assistance program; rather it was the FoodShare case for which he was seeking the rehearing. This leaves no issue for resolution with respect to the energy assistance case.

CONCLUSIONS OF LAW

That there is no issue for resolution by the Division of Hearings and Appeals for the above-captioned case.

THEREFORE, it is

ORDERED

That this appeal 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 Administration. 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: 101 East 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 Milwaukee,
Wisconsin, this 13th day of March, 2013

David D. Fleming
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

David H. Schwarz
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on March 13, 2013.

Kenosha County Human Service Department
DOA - Energy Assistance