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[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

FOO/146673

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**PRELIMINARY RECITALS**

Pursuant to a petition filed January 15, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Dane County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on February 08, 2013, at Madison, Wisconsin.

The issue for determination is whether the county agency correctly denied the petitioner's November 30, 2012 FoodShare (FS) application due to failure to timely verify required employment information and income to the county agency.

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: Phillip Brandel, ESS

Dane County Department of Human Services  
1819 Aberg Avenue  
Suite D  
Madison, WI 53704-6343

**ADMINISTRATIVE LAW JUDGE:**

Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County who resides with her minor son.

2. The petitioner applied for FoodShare (FS) benefits in a September 25, 2012 application and that application was denied. The petitioner again applied for FS benefits in a November 30, 2012 application.
3. The county agency sent an October 4, 2012 written request to the petitioner for her to verify her income and employment with [REDACTED] and confirm her school enrollment by October 25, 2012. The petitioner received the verification request.
4. The petitioner did not submit the required employment and school verification to the county agency by October 25, 2012 or even by December 3, 2012.
5. The county agency sent a December 3, 2012 Notice of Decision to the petitioner stating that her November 30, 2012 FS application was denied due to failure to timely provide the requested employment verification to the county agency.

### DISCUSSION

When dealing with the issue of the provision of information by a household, there is a clearly delineated process and a case may not be **denied** or discontinued unless those procedures are followed. That process is to specify in writing, what information is needed, and that the client has no less than a specific period of time in which to provide it. Generally that period of time is 30 days. However, in cases involving **application** or review, where the 30-day processing limit would not permit this much time, the agency is to allow no less than 10 days. Furthermore, the agency is required to assist the client when the client runs into difficulty in obtaining the needed documents. (See 7 C.F.R. §273.12(c); Income Maintenance Manual (IMM), Ch. I, Part C, 5.1.0).

For the purpose of these types of hearing, a case may only be closed, or **denied**, for a refusal to provide information, or for failure to provide requested verification within the specified period, after a written request.

During the February 8, 2013 hearing, the county agency ESS worker, Phillip Brandel, established that the county agency correctly and properly denied the petitioner's November 30, 2012 FoodShare (FS) application, due to failure to timely verify required employment and income information.

During the hearing, petitioner admitted that she did not timely submit to ESC the required employment and income verification. She alleged that she contacted her employer, but that the employer did not provide to her or the county agency the requested verification. However, petitioner did not request an extension of time from the county agency to obtain the verification, and petitioner did not request any county assistance in obtaining the employer verification.

The petitioner did not establish with any reliable evidence any good cause for failing to timely provide her employment verification to the county agency. The petitioner was unable to refute the county agency's case regarding the denial of her FS application. Accordingly, for the above reasons, the county agency correctly denied the petitioner's November 30, 2012 FoodShare (FS) application due to failure to timely verify required employment information and income to the county agency.

### CONCLUSIONS OF LAW

The county agency correctly denied the petitioner's November 30, 2012 FoodShare (FS) application due to petitioner's failure to timely verify required employment information and income to the county agency.

**THEREFORE, it is**

**ORDERED**

The petition for review herein be and the same is hereby 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 March, 2013

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\sGary M. Wolkstein  
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 8, 2013.

Dane County Department of Human Services  
Division of Health Care Access and Accountability