



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

FOO/146813

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**PRELIMINARY RECITALS**

Pursuant to a petition filed January 23, 2013, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Green Lake County Dept. of Human Services to deny FoodShare benefits (FS), a hearing was held on February 26, 2013, by telephone.

The issue for determination is whether petitioner failed to verify income.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Respondent:

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

By: Adam Spitler  
Green Lake County Dept. of Human Services  
571 County Road A  
Green Lake, WI 54941

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Green Lake County.
2. Petitioner applied for FS on December 3, 2012. He completed an interview and was informed that he had to verify his self-employment. The county sent out three self-employment report form for October, November, and December, 2012, with a due date of December 28.
3. On December 28 petitioner filed the December report form.
4. The county denied FS by a notice dated January 7, 2013 because of incomplete verification.

### **DISCUSSION**

An FS applicant is required to verify information that can affect eligibility. 7 C.F.R. §273.2(f). If the household fails to verify required information by the time limit, the agency may deny the benefits. 7 C.F.R. §273.14(g)(3); FS Handbook, Appendix 1.2.1.2. The agency should assist the applicant if he is cooperating with the process. FS Handbook, App. 1.2.1.3.

In this case I conclude that it was an error to deny the application. When petitioner filed the December report form it showed that he was attempting to cooperate with the verification process. Petitioner testified that he received only the December form, so a simple contact by the worker would have allowed petitioner to file the other two forms.

### **CONCLUSIONS OF LAW**

The county erred by denying FS for lack of verification when petitioner was cooperating with the process.

**THEREFORE, it is**

**ORDERED**

That the matter be remanded to the county with instructions to re- open petitioner's December 3, 2012 FS application, and to allow him to finish verifying his October and November self-employment income. The county then shall issue appropriate FS retroactive to the application date. The county shall take these actions within 10 days of this decision, subject to any delay necessary to allow petitioner to complete the verification.

### **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 28th day of February, 2013

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\sBrian C. Schneider  
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 28, 2013.

Green Lake County Department of Human Services  
Division of Health Care Access and Accountability