



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

FOO/146839

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**PRELIMINARY RECITALS**

Pursuant to a petition filed January 24, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Brown County Human Services in regard to FoodShare benefits (FS), a hearing was held on February 19, 2013, at Green Bay, Wisconsin.

No issue remains for determination by the administrative law judge (ALJ).

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Petitioner's Representative:

Attorney Lue L. Yang  
201 West Walnut, Suite 203  
Green Bay, WI 54303-5711

Respondent:

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

By: Jamie Chadoir

Brown County Human Services  
Economic Support-2nd Floor  
111 N. Jefferson St.  
Green Bay, WI 54301

**ADMINISTRATIVE LAW JUDGE:**

Peter McCombs (telephonically)  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Brown County.
2. Petitioner is an ongoing FS recipient. On January 18, 2013, the respondent sent a notice to petitioner informing her that her FS benefits would decrease from \$183.00 to \$16.00 effective

February 1, 2013. The reduction was the result of more income counted for petitioner's household.

3. Petitioner and respondent met on January 25, 2013, at which time petitioner provided pay stub information. The respondent recalculated petitioner's income, and determined that petitioner would be eligible for monthly FS benefits of \$200.00.
4. Petitioner does not dispute the respondent's determination of the FS allotment for February, 2013.
5. Petitioner's Request for Hearing was filed on January 24, 2013, one day prior to petitioner's meeting with respondent noted at Finding of Fact #3, above.

### **DISCUSSION**

Petitioner appealed because her FS benefits were reduced to \$16, based upon respondent's receipt of erroneous employment information. Prior to the hearing, petitioner met with the respondent and properly established her correct income. As a result, her FS benefits were calculated at \$200.00 per month. At hearing petitioner agreed that the \$200.00 figure for February was, in fact, correct. The respondent testified that the \$200 will remain effective until there is a change in petitioner's situation. Notably, petitioner testified that her employment had recently terminated, therefore it is likely that there will be further adjustment necessary in petitioner's FS allotment.

Because the matter at issue here, i.e., petitioner's February FS allotment, was resolved and no issue remains for determination by this administrative law judge, I will dismiss the appeal.

**THEREFORE, it is**

**ORDERED**

That 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 21st day of March, 2013

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\sPeter McCombs  
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 21, 2013.

Brown County Human Services  
Division of Health Care Access and Accountability  
[lly@legalaction.org](mailto:lly@legalaction.org)