



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/147055

PRELIMINARY RECITALS

Pursuant to a petition filed January 30, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Dunn County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on March 19, 2013, at Menomonie, Wisconsin.

The issue for determination is whether the county agency correctly reduced the petitioner's FoodShare benefits because she failed to verify information incorrectly requested.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Paula Goodell

Dunn County Department of Human Services
808 Main Street
PO Box 470
Menomonie, WI 54751

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Dunn County.

2. The petitioner's son and daughter-in-law lived with the petitioner temporarily. When they moved out of her residence, the child support office incorrectly updated the petitioner and her child's address to her son's even though they had not moved.
3. When the county FoodShare agency was notified by the child support agency that the petitioner had moved, it sent a notice to her son's new address requesting that she verify her residence, rent, and daycare expenses. She did not receive this notice and did not respond until after the agency reduced her FoodShare allotment.
4. The county agency reduced the petitioner's FoodShare allotment from \$329 to \$16 per month in January 2013 after removing her deductions for shelter and childcare costs. It reinstated higher allotment in February 2013 after she provided the requested verification.

DISCUSSION

FoodShare benefits depend upon a household's size and income. To ensure that eligibility decisions are based on accurate information, recipients must verify certain information. 7 CFR § 273(f). The county agency reduced the petitioner's FoodShare benefits from \$329 to \$16 in January after removing her deductions for shelter and daycare expenses on the ground that she failed to verify those expenses. Her higher benefits were reinstated in February.

The background is that petitioner's son and daughter-in-law lived with her temporarily. They moved out of her residence, but she and her minor child did not. Nevertheless, when her adult son notified the child support office that he had moved, that office updated the address of everyone who had lived in the petitioner's household, including the petitioner and her minor child. The FoodShare agency received this information and requested that she verify her address, rent, and childcare expenses. She did not receive or respond to this notice because it was sent to her son's new address. When the agency did not receive the requested verification, it eliminated the deductions and reduced her FoodShare for January. The county agency conceded at the hearing that it should never have requested the verification or reduced her FoodShare. I agree and will order it to reinstate the benefit retroactive to January 1, 2013, and issue a supplemental allotment.

CONCLUSIONS OF LAW

The county agency incorrectly reduced the petitioner's FoodShare allotment for January 2013 after improperly eliminating her shelter and childcare deductions for that month.

THEREFORE, it is

ORDERED

That this matter is remanded to the county agency with instructions that within 10 days of the date of this decision it reinstate the petitioner's shelter and childcare deductions for her January 2013 FoodShare and that it take all steps necessary to ensure that she receives a \$313 supplemental FoodShare payment for that month to offset the decrease in benefits caused by the loss of those deductions.

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 March, 2013

\sMichael D. O'Brien
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 28, 2013.

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