



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

FOO/147218

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**PRELIMINARY RECITALS**

Pursuant to a petition filed February 11, 2013, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Milwaukee Enrollment Services to discontinue FoodShare benefits (FS), a hearing was held on March 6, 2013, by telephone.

The issue for determination is whether petitioner failed to complete her FS review.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Respondent:

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

By: Alma Lezama  
Milwaukee Enrollment Services  
1220 W. Vliet St.  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner received transitional FS beginning in late 2012. She was informed that the transitional FS would end effective March 1, 2013. Petitioner requested a review of eligibility, and was given a February 8, 2013 appointment for a telephone interview. The notice for the interview said that the agency would call (414) 678-8027.
3. When the agency called on February 8 the number was disconnected. Petitioner had changed phone numbers before February 8.

4. By a notice dated February 18, 2013, the agency informed petitioner that FS would end March 1, 2013.

### DISCUSSION

Transitional FS is a program that started March 1, 2004 following a change in federal legislation. See BHCE/BWP Operations Memo no. 04-7, dated February 25, 2004. When an FS household loses Wisconsin Works (W-2) eligibility, the household is entitled to five months' additional FS without regard to income limits. FS Handbook, Appendix 5.1.1. The monthly FS allotment is set at the level the household received in the month prior to the last W-2 payment. Id. When the five months ends, the transitional FS end, and the household must reapply or have the case reviewed. Handbook, App. 5.1.1.7.

Petitioner's transitional FS ended February 28, 2013. She had to have her case reviewed, which she attempted to do that month.

To complete a new application, the person must do an interview. The agency scheduled the interview but could not connect with petitioner because she changed phone numbers. Because the failure to connect was not the agency's error, I must find that the review was not completed and the agency correctly closed FS. Petitioner needs to reapply, and she was instructed to do so following the hearing.

### CONCLUSIONS OF LAW

The agency correctly denied FS after February 28, 2013 because petitioner did not complete her eligibility review in February for reasons beyond the agency's control.

**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 7th day of March, 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 March 7, 2013.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability