



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

FOP/147468

PRELIMINARY RECITALS

Pursuant to a petition filed February 19, 2013, under Wis. Admin. Code §HA 3.03, to review a decision by the Sauk County Department of Human Services in regard to FoodShare benefits (FS), a telephonic hearing was held on March 13, 2013, at Baraboo, Wisconsin.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Representative:

[REDACTED], son
[REDACTED]

Respondent:

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

By: Michelle Hirschinger, ESS

Sauk County Department of Human Services
505 Broadway, 4th Floor
PO Box 29
Baraboo, WI 53913

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Sauk County who receives FoodShare (FS) benefits for a household of one.
2. The county agency sent a FoodShare (FS) overpayment notice to the petitioner stating that she received an overpayment of \$1,517.00 during the period of April 1, 2012 through December 31,

2012, due to non-client error. The county agency was in error not budgeting petitioner's husband's (Edmund [REDACTED]) community spousal monthly allocation of \$501 to the petitioner.

3. During the March 13, 2013 hearing, the petitioner and ESS Michelle Hirschinger stipulated to the following: a) **By March 20, 2013**, petitioner's son, [REDACTED] [REDACTED] will send to Ms. Hirschinger verification of petitioner's premiums for her Medicare Supplement policy (allegedly \$318.83 per month) during the period of April, 2012 through December, 2012; and b) **BY March 27, 2013**, ESS Hirschinger will review [REDACTED] [REDACTED]'s submissions, recalculate the petitioner's FS overpayment, and issue to petitioner a new and re-calculated FS overpayment notice for the period of April 1, 2012 through December 31, 2012.

THEREFORE, it is

ORDERED

The matter is remanded to the petitioner's representative (**Attention:** [REDACTED] [REDACTED]) and the county agency (**Attention: ESS Michelle Hirschinger**) with the following instructions: a) **By March 20, 2013**, petitioner's son, [REDACTED] [REDACTED] will send to Ms. Hirschinger verification of petitioner's premiums for her Medicare Supplement policy expenses during the period of April, 2012 through December, 2012; and b) **BY March 27, 2013**, ESS Hirschinger will review [REDACTED] [REDACTED] submissions, recalculate the petitioner's FS overpayment, and issue to petitioner a new, re-calculated FS overpayment notice for the period of April 1, 2012 through December 31, 2012.

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 14th day of March, 2013

\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 14, 2013.

Sauk County Department of Human Services
Public Assistance Collection Unit
Division of Health Care Access and Accountability