



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/148175

PRELIMINARY RECITALS

Pursuant to a petition filed March 19, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Washington County Department of Social Services in regard to FoodShare benefits (FS), a hearing was held on May 09, 2013, at West Bend, Wisconsin.

The issue for determination is whether the agency properly discontinued the Petitioner's FS benefits effective April 1, 2013.

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: Kenneth Benedum

Washington County Department of Social Services
333 E. Washington Street
Suite 3100
West Bend, WI 53095

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Washington County.

2. On January 5, 2012, the Petitioner contacted the agency and informed a worker that he no longer needed FS benefits. The case was not closed. The Petitioner continued to receive monthly benefits of \$200.
3. On June 11, 2012, the agency issued a FS renewal to the Petitioner informing him of the need to complete the renewal in order to continue to receive benefits. The renewal was not completed. The Petitioner continued to receive monthly benefits of \$200.
4. On February 25, 2013, the agency discovered that the case remained open. On February 26, 2013, the agency issued a notice of decision informing the Petitioner that his FS benefits would be discontinued effective April 1, 2013.
5. On March 19, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

An FS recipient must do a periodic renewal to continue eligibility. 7 C.F.R. §273.14. Failure to complete a renewal results in the closing of the case. As part of a renewal process, the agency must conduct an interview with the FS client and the Petitioner must provide verification of information relevant to determine eligibility and FS allotments. 7 C.F.R. §273.14(b)(3).

Though it was the agency's error in not closing the Petitioner's case when his renewal was not completed in June, 2012, the fact is that the agency does not have current information to verify that the Petitioner remains eligible for FS benefits. Thus, it was correct for the agency to close the case and terminate benefits. This does not preclude the Petitioner from re-applying and providing current information to the agency to allow it to determine his eligibility for benefits.

CONCLUSIONS OF LAW

The agency properly discontinued the Petitioner's benefits effective April 1, 2013. The Petitioner may submit a renewal application for consideration by the agency of the Petitioner's eligibility for FS benefits.

THEREFORE, it is

ORDERED

That the petition be, and hereby is, 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 Milwaukee,
Wisconsin, this 20th day of May, 2013

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

David H. Schwarz
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on May 20, 2013.

Washington County Department of Social Services
Division of Health Care Access and Accountability