



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/149534

PRELIMINARY RECITALS

Pursuant to a petition filed May 20, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the La Crosse County Department of Human Services in regard to FoodShare benefits (FS), a telephonic hearing was held on June 24, 2013, at La Crosse, Wisconsin.

The issue for determination is whether the county agency correctly denied petitioner's re-application for FoodShare (FS) benefits, due to failure to timely verify her husband's required self-employment income to the county agency.

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: Tom Miller, supervisor

La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of La Crosse County who resides with her husband ([REDACTED]), and their minor child.

2. The petitioner and her household received transitional FoodShare (FS) benefits for a household of three.
3. The county agency sent a February 11, 2013 “45 day reminder” letter to the petitioner stating that her transitional FoodShare benefits would end as of April 1, 2013, and she needed to complete her FS regular application before March 31, 2013 for continued FS benefits.
4. The petitioner re-applied for FoodShare (FS) benefits on March 19, 2013 for her household of three.
5. The county agency sent an April 5, 2013 written request to the petitioner for her to verify her husband’s self-employment income for his lawn care service by April 15, 2013. The petitioner received the verification request.
6. On April 16, 2013, the county agency sent a second written request to the petitioner (along with SEIRFs) for her to verify her husband’s self-employment income for his lawn service by April 25, 2013. The petitioner received the second verification request.
7. The petitioner failed to submit her husband’s required self-employment income verification to the county agency by April 25, 2013.
8. The county agency sent an April 26, 2013 Notice of Decision to the petitioner stating that her March 19, 2013 FS application was denied due to failure to timely provide her husband’s required self-employment income verification to the county agency.

DISCUSSION

When dealing with the issue of the provision of information by a household, there is a clearly delineated process and a case may not be **denied** or discontinued unless those procedures are followed. That process is to specify in writing, what information is needed, and that the client has no less than a specific period of time in which to provide it. Generally that period of time is 30 days. However, in cases involving **application** or review, where the 30-day processing limit would not permit this much time, the agency is to allow no less than 10 days. Furthermore, the agency is required to assist the client when the client runs into difficulty in obtaining the needed documents. (See 7 C.F.R. §273.12(c); Income Maintenance Manual (IMM), Ch. I, Part C, 5.1.0).

For the purpose of these types of hearing, a case may only be closed, or **denied**, for a refusal to provide information, or for failure to provide requested verification within the specified period, after a written request.

During the June 24, 2013 hearing, ES Supervisor Tom Miller established that the county agency correctly and properly denied the petitioner’s March 19, 2013 FoodShare (FS) re-application, due to failure to timely verify required self-employment income information of her husband.

During the hearing, petitioner admitted that she did not timely submit to the county agency the required income verification for her husband’s self-employment. She did not dispute that she received the two verification requests from the county agency. The petitioner did not establish with any reliable evidence any good cause for failing to timely provide her husband’s employment income verification to the county agency. The petitioner was unable to refute the county agency’s case regarding the denial of her FS application. The petitioner indicated that she intended to re-apply for FS benefits. Accordingly, for the above reasons, the county agency correctly denied the petitioner’s March 19, 2013 FoodShare (FS) application due to failure to timely verify required employment information and income to the county agency.

CONCLUSIONS OF LAW

The county agency correctly denied the petitioner's March 19, 2013 FoodShare (FS) application due to petitioner's failure to timely verify her husband's required self-employment income to the county agency.

THEREFORE, it is

ORDERED

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 15th day of July, 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 July 15, 2013.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability