



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FBT/149861

PRELIMINARY RECITALS

Pursuant to a petition filed June 10, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services ["MiLES"] in regard to FoodShare benefits ["FS"], a Hearing was held via telephone on July 11, 2013.

The issue for determination is whether petitioner's Electronic Benefit Transfer ["EBT"] FS benefits may be replaced.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Paul Fredrickson, Income Maintenance, Advanced
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

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

2. On May 29, 2013 petitioner was issued a new EBT FS Quest card via the US Mail.
3. Petitioner states that she never received her new EBT FS Quest card and that it was stolen, the Personal Identification Number ["PIN"] was changed, and the FS benefits on it were used.
4. The FS benefits on petitioner's new Quest card were used prior to the time petitioner reported the loss of her Quest card to MiLES on June 7, 2013.

DISCUSSION

EBT FS benefits on a Quest card will not be replaced if lost as a result of the loss or theft of the Quest card and PIN up to the point in time that the recipient reports the loss to recipient customer service. The Wisconsin Department of Health Service ["DHS"] must ensure the replacement of benefits lost after the recipient or representative reports to recipient customer service that the card has been lost or stolen. Wis. Admin. Code § DHS 252.18 (January 2009); see also, Wis. Stat. § 49.797(7)(a) (2011-12). In this case it appears from computer *Case Comments* that petitioner reported the loss of her Quest card to MiLES on June 7, 2013. However, the *EBT Transactional Detail* computer print-out shows that the FS benefits on petitioner's new Quest card were used prior to that time. Therefore, replacement FS cannot be issued to petitioner.

Additionally, petitioner should note that the recipient is responsible for protecting the security of his or her Quest card and PIN. Wis. Admin. Code § DHS 252.08(1) (January 2009).

CONCLUSIONS OF LAW

For the reasons discussed above, petitioner's EBT FS cannot be replaced

NOW, 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 17th day of July, 2013

\sSean P. Maloney
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 17, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability