



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

In the Matter of

██████ ██████
██████████████████
████████████████████

DECISION

ENE/149951

PRELIMINARY RECITALS

Pursuant to a petition filed June 11, 2013, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Social Development Commission of Milwaukee County ["SDC"], a Hearing was held via telephone on July 11, 2013.

The issue for determination is whether it was correct to deny petitioner's application for the Wisconsin Home Energy Assistance Program ["WHEAP"].

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

██████ ██████
██████████████████
████████████████████

Respondent:

Department of Administration
101 East Wilson Street
Madison, Wisconsin 53703

By: Luella Ellis, Lead Processing Specialist, SDC, Energy Services Worker
Energy Assistance
Social Development Commission
Suite D
2701 South Chase Avenue
Milwaukee, Wisconsin 53207

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County.

2. On April 18, 2013 petitioner filed an application for WHEAP with SDC (Application ██████); for unknown reasons SDC did not enter her application into the system and process it until late May 2013.
3. On or about May 30, 2013 SDC requested that petitioner provide verification of her daughter's earned income for January 2013, February 2013, and March 2013; the verification due date was June 5, 2013.
4. Petitioner and her daughter were unable to find all of the requested paystubs and contacted the employer; petitioner telephoned SDC and left a message to let SDC know that the verification may be late but petitioner never received a return telephone call; petitioner did not receive verification from her daughter's employer in time to provide it to SDC by the June 5, 2013 due date.
5. Petitioner's application for EA was denied by SDC because it did not receive verification of her daughter's earned income by the June 5, 2013 due date.

DISCUSSION

An applicant for WHEAP must provide all required information and the application must be entered into the energy system within 30 days of the date of the application. *Wisconsin Energy Assistance Program // Program & Operations Manual* (August 2011) ["WHEAP Manual"] 3.19, 8.2.4. & Chapter 10 (*Eligibility Determination*). Information, including income, must be verified. WHEAP Manual 3.3.2.5., 3.4.28(3) & 8.2.4. However, SDC is required to ensure that those eligible households living within its jurisdiction are provided with available WHEAP benefits and services. WHEAP Manual 8.1. SDC is also required to provide outreach services to maximize participation of eligible households for WHEAP benefits and assist households in completing applications. WHEAP Manual 8.2.2. & 8.2.4.

In this case, petitioner applied on April 18, 2013 but, for unknown reasons, SDC did not enter her application into the system and process it until late May 2013. As noted above, policy requires that the application must be entered into the energy system within 30 days of the date of the application. This delay resulted in verification not being requested until May 30, 2013. Further, there is no evidence that SDC offered any assistance to petitioner in obtaining the necessary verification. Given these circumstances petitioner must be given another opportunity to supply the requested verification.

CONCLUSIONS OF LAW

For the reasons stated above, it was not correct to deny petitioner's application for WHEAP.

NOW, THEREFORE, it is

ORDERED

That this matter be REMANDED to SDC, that SDC not deny petitioner's April 18, 2013 WHEAP application (Application ██████) because verification of her daughter's earned income was not received by the June 5, 2013 due date, and that, within 10 days of the date of this *Decision*, SDC provide petitioner another opportunity to provide the requested verification (SDC must assist petitioner if that is necessary),

reprocess petitioner's WHEAP application, and issue any benefits to which petitioner is otherwise entitled.

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 Administration. 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: 101 East 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 20th day of August, 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 August 20, 2013.

Energy - Milwaukee County
DOA - Energy Assistance