



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/150092

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**PRELIMINARY RECITALS**

Pursuant to a petition filed June 17, 2013, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Waupaca County Dept. of Social Services to discontinue FoodShare benefits (FS), a hearing was held on July 25, 2013, by telephone.

The issue for determination is whether petitioner is eligible for FS while he is incarcerated.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: Kristine Jordahl  
Waupaca County Dept. of Social Services  
811 Harding Street  
Waupaca, WI 54981-2087

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Waupaca County.
2. Petitioner received FS for a one-person household. In early May the county obtained information that petitioner was incarcerated on March 20, 2013 with a release date in September, 2013.
3. By a notice dated May 13, 2013, the county informed petitioner that FS would end June 1, 2013 because he was incarcerated.

**DISCUSSION**

Under FS rules a person living residing in an institution, including a jail, is ineligible for FS. 7 C.F.R. §273.1(a)(7)(vi); FS Handbook, Appendix 3.2.1.4.

I conclude that the county correctly closed FS. Petitioner testified that in early April he wrote to the agency to report the incarceration, but it is unknown what happened to the letter. That would have resulted in the case closing earlier, but nevertheless the county took the correct action when it learned of the incarceration.

**CONCLUSIONS OF LAW**

Petitioner is ineligible for FS because he is incarcerated.

**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 26th day of July, 2013

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\sBrian C. Schneider  
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 26, 2013.

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