



STATE OF WISCONSIN  
Division of Hearings and Appeals

In the Matter of



DECISION

FOO/150115

**PRELIMINARY RECITALS**

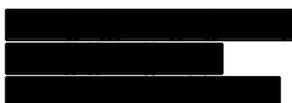
Pursuant to a petition filed June 17, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on September 18, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether evidence is sufficient to demonstrate that Petitioner's case was correctly closed and reopened.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:



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Respondent:

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

By: Jose Silvestre/Lashun Johnson  
Milwaukee Enrollment Services  
1220 W Vliet St  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

David D. Fleming  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # ) is a resident of Milwaukee County.
2. Petitioner's FoodShare case was subject to review in May 2013.
3. In the May 2013 review Petitioner reported that her two daughters, both members of her household, were employed. The agency sought verification of income. That verification was not received and the agency determined that Petitioner was not eligible for FoodShare benefits effective June 1, 2013.

4. On June 10, 2013 Petitioner contacted the agency and reported that one of her daughters was no longer part of the household. Because Petitioner's FoodShare case was closed the agency treated this report as a new application. The agency found Petitioner eligible and issued FoodShare benefits effective June 10, 2013.

### **DISCUSSION**

The agency must verify information necessary to determine eligibility and benefit levels. *FoodShare Wisconsin Handbook (FSH)*, §1.2.1.1. Income is certainly an essential component of both eligibility and allotment levels. *FSH*, §4.3.1. Thus the agency correctly sought verification of the income of Petitioner's daughters.

If that verification is not received the case closes. *FSH*, §1.2.1.2. If, however, a person reports a change or submits the required verification in the month after review the case may be reopened without a new application and benefits are prorated from the date of the report by the household. *See FSH §§ 1.2.1.2. and 2.2.1.4.*

That is precisely what happened here. Petitioner's review reported income for her daughters. The agency requested verification. It was not received and the case could not remain open. Within the month after the review, Petitioner reported a change and the case reopened with prorated benefits.

### **CONCLUSIONS OF LAW**

That the agency correctly discontinued Petitioner's FoodShare benefits when it did not receive required verification of income.

**THEREFORE, it is**

**ORDERED**

That the appeal 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 4th day of November, 2013

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\sDavid D. Fleming  
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 November 4, 2013.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability