



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/150362

PRELIMINARY RECITALS

Pursuant to a petition filed June 26, 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 July 30, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether Petitioner's case was correctly closed for failing to verify. The issue for determination is whether Petitioner's FoodShare were correctly discontinued for failing to complete a required case review.

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: L. Yang

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 # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner's FoodShare were discontinued effective June 1, 2013 for failing to complete a required case review.

3. Petitioner was sent a notice dated April 15, 2013 that informed her that her review had to be completed by May 31, 2013. That notice was sent to Petitioner at the above address. The notice also indicated that the interview was part of the review requirement.
4. Petitioner's prior review was in November 2012.
5. Just prior to the review Petitioner reported to the agency that she was not working. The agency requested verification. That was provided by Petitioner in early May 2013 through her W2 worker.
6. Petitioner completed the review on June 11, 2013 via a phone interview on that date. Her FoodShare case reopened and FoodShare benefits were issued on a prorated basis for June from June 11 forward.

DISCUSSION

FoodShare recipients must complete an interview and verify current household information in the last month of the certification period in order to be recertified and to continue to receive FoodShare benefits. *FoodShare Wisconsin Handbook (FSH)*, §§2.2.1 and 2.2.1.3; 7 CFR §273.14. Failure to complete a review results in the closing of the case. If the review is not completed until after the case is closed because of household error or inaction, the FS are not issued in full. Instead, the case is treated as a new application, and benefits are to be prorated as of the date of the review. 7 CFR §273.14(e)(3); *FSH*, §2.2.1.4.

Here Petitioner contends that she was under the impression that her case had been fully updated when she provided information to the W2 worker in early May 2013. She also does not think her case should have been subject to a review by May 31, 2013 as she believes one had just been completed.

FoodShare eligibility cannot continue without review; also called recertification. Agency records make clear that Petitioner's prior review/recertification was in November 2012. Further, while overlapping events here – the need to verify the end of employment and the need to complete the review - make the circumstances somewhat confusing, the fact is that a review was required by May 31, 2013. It was not completed until June 11, 2013. Thus the agency correctly closed the case June 1, 2013 and then properly reopened it and issued prorated benefits for June 2013.

CONCLUSIONS OF LAW

That the agency properly closed Petitioner's FoodShare case effective June 1, 2013 for failing to complete a required case review and then properly reopened the case and prorated benefits upon completion of that review.

THEREFORE, it is

ORDERED

That this 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 22nd day of August, 2013

\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 August 22, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability