



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/150660

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**PRELIMINARY RECITALS**

Pursuant to a petition filed July 12, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Outagamie County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on August 05, 2013, at Appleton, Wisconsin.

No issue remains for determination regarding the termination of petitioner's FS due to failure to verify income, as the agency has now received his income information, and has agreed at hearing to review the income information, reinstate petitioner's benefits, and provide petitioner with new notice and appeal rights.

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: Katie M. Woods

Outagamie County Department of Human Services  
401 S. Elm Street  
Appleton, WI 54911-5985

**ADMINISTRATIVE LAW JUDGE:**

Peter McCombs (telephonically)  
Division of Hearings and Appeals

**FINDINGS OF FACT**

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

2. The petitioner has an ongoing FS case. On June 4, 2013, petitioner prepared and submitted an ACCESS change report indicating a raise in his income. On June 6, 2013, respondent mailed petitioner a Notice of Proof Needed requesting wage verification.
3. Petitioner attempted to fax wage information on 2 occasions, but respondent reports that it did not receive said information.
4. On July 1, 2013, respondent issued written notice to the petitioner advising that his FS would be terminated as of August 1, 2013, due to his failure to provide income verification.
5. At hearing, petitioner supplied respondent with his income verification. The respondent agreed to review the income information, reinstate petitioner's benefits, and provide petitioner with new notice and appeal rights.

**DISCUSSION**

Because the agency agreed at hearing to review the income information, reinstate petitioner's benefits, and provide petitioner with new notice and appeal rights, no issue remains for resolution by this ALJ regarding the August 1, 2013 FS benefit termination. Post-hearing, respondent submitted an email with the following information:

Good Afternoon,  
 In regards to appeal #'s-0150662, 0150660. Care case# [REDACTED]

I spoke with the HR Director [REDACTED] @ [REDACTED] ext [REDACTED] at [REDACTED] [REDACTED] which is [REDACTED]' employer. [REDACTED] stated [REDACTED]' hours increased starting in June.

His hours from his last two pay periods on 7/19 were 72.50 Regular Hours & 1.25 Over time hours. On pay period 8/2 he worked 80 regular hours & 1.75 over time hours. His pay rate for regular hours is \$7.90/hr, overtime pay is \$11.85/hour

The average for the last two pay periods are as follows  
 $72.50+80=152.50/2=76.25$  regular hrs  
 $1.25+1.75=3/2=1.50$  overtime hrs

$76.25 \times \$7.90 \times 2 = \$1204.75$ ,  $1.50 \times \$11.85 \times 2 = \$35.55$ ,  $\$1204.75 + \$35.55 =$  **\$1240.30** MA monthly budget

$76.25 \times \$7.90 \times 2.15 = \$1295.11$ ,  $1.50 \times \$11.85 \times 2.15 = \$38.21$ ,  $\$1295.11 + \$38.21 =$  **\$1333.32** FS monthly budget

Exhibit E.

**CONCLUSIONS OF LAW**

Because the agency agreed at hearing to review the income information, reinstate petitioner's benefits, and provide petitioner with new notice and appeal rights, no issue remains for resolution by this ALJ regarding the August 1, 2013 FS benefit termination.

**THEREFORE, it is**

**ORDERED**

That the petition is remanded to the respondent with instructions to review the petitioner's income information, reinstate petitioner's benefits as appropriate, and provide petitioner with new notice and appeal rights. All actions Ordered herein shall be completed within 10 days of the date of this Decision.

**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 12th day of September, 2013

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\sPeter McCombs  
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 September 12, 2013.

Outagamie County Department of Human Services  
Division of Health Care Access and Accountability