



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/151933

PRELIMINARY RECITALS

Pursuant to a petition filed September 09, 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 October 09, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether Milwaukee Enrollment Services (MES) correctly discontinued the petitioner's FoodShare (FS) benefits effective August 1, 2013, due to failure to timely verify her earned income from employment or that her employment ended.

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: Pang Thao-Xiong, IM advanced
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County who resides in a household of two.
2. The petitioner received FoodShare (FS) for a household of two.

3. The petitioner submitted her six month report form (SMRF) to Milwaukee Enrollment Services (MES) on or about July 10, 2013.
4. Milwaukee Enrollment Services sent a July 15, 2013 verification request to the petitioner requesting verification of her employment and income at [REDACTED] for the last 30 days by the deadline of July 24, 2013.
5. The petitioner alleged that her employment at [REDACTED] ended July 7, 2013, but failed to verify to MES that employment ending.
6. Milwaukee Enrollment Services sent a July 19, 2013 Notice of Decision to the petitioner stating that her FS benefits would discontinue effective August 1, 2013, due to failure to timely verify her earned income at [REDACTED] or that her employment at [REDACTED] ended.
7. MES submitted an employer statement from [REDACTED] confirming that as of July 25, 2013 petitioner was employed for that employer.

DISCUSSION

When dealing with the issue of the provision of information by a household, there is a clearly delineated process and a case may not be denied or **discontinued** unless those procedures are followed. That process is to specify in writing, what information is needed, and that the client has no less than a specific period of time in which to provide it. Generally that period of time is 30 days. However, in cases involving application or review, where the 30-day processing limit would not permit this much time, the agency is to allow no less than 10 days. Furthermore, the agency is required to assist the client when the client runs into difficulty in obtaining the needed documents. (See 7 C.F.R. §273.12(c); Income Maintenance Manual (IMM), Ch. I, Part C, 5.1.0).

For the purpose of these types of hearing, a case may only be closed, or denied, for a refusal to provide information, or for failure to provide requested verification within the specified period, after a written request.

During the October 9, 2013 hearing and in its exhibits, the MES representative, Pang Thao-Xiong, established that the county agency correctly discontinued the petitioner's FS effective August 1, 2013 due to her failure to timely verify her employment ending at [REDACTED] during July, 2013 or verify her employment income for the past 30 days. The petitioner was unable to provide any letter or document to confirm that her employment ended on or about July 7, 2013. This ALJ found the petitioner's testimony to be lacking in credibility.

The petitioner was unable to refute MES's testimony or documentation that all of her employment and income must be verified in order for the county agency to determine whether petitioner continues to be eligible for any FS benefits. Based upon the hearing record, petitioner failed to timely provide the requested income/employment verification to MES. Furthermore, petitioner did not establish any good cause for failing to timely provide the requested employment/income verification. Accordingly, for the above reasons, I conclude that the county agency correctly discontinued the petitioner's FS benefits effective August 1, 2013, due to failure to timely provide required verification of her earned income and employment or that her employment at [REDACTED] ended.

As dicta, the petitioner may wish to re-apply for FS benefits for her household of two.

CONCLUSIONS OF LAW

1. The petitioner failed to timely provide required verification of her earned income and employment at [REDACTED], and did not establish any good cause for such failure.

2. The county agency correctly discontinued petitioner's FS benefits effective August 1, 2013, due to petitioner's failure to provide to the county agency required employment/income verification needed to determine petitioner's continued FS eligibility and benefits.

THEREFORE, it is

ORDERED

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 29th day of October, 2013

\sGary M. Wolkstein
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 October 29, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability