



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FOO/151997

PRELIMINARY RECITALS

Pursuant to a petition filed September 12, 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 10, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether Milwaukee Enrollment Services (the agency) correctly reduced Petitioner's FoodShare benefits effective October 1, 2013.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703
By: Pang Thao-Xiong, Income Maintenance Worker
Milwaukee Enrollment Services
1220 W. Vliet St.
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Milwaukee County.
2. On August 15, 2013, the agency received information from the KIDS database and the Unemployment Insurance database that the father of Petitioner's children, RV Sr. was living with Petitioner. Consequently, the agency added RV Sr. to Petitioner's case. (Exhibit 2, pg. 8)

3. On August 16, 2013, the agency sent Petitioner a notice indicating that effective September 1, 2013, her FoodShare benefits would be increased from \$213 to \$302 per month. (Exhibit 2, pgs. 19-24) This increase in benefits was caused by adding RV Sr. to Petitioner's case. (Testimony of Ms. Thao-Xiong)
4. On August 19, 2013, RV Sr. called the agency and indicated that he has not lived with Petitioner in years and wanted to be removed from her case. RV Sr. and Petitioner have not lived together since the 1990's. (Exhibit 2, pg. 8; Testimony of Petitioner)
5. The agency removed RV Sr. from Petitioner's case and on September 9, 2013, the agency sent Petitioner a notice indicating that effective October 1, 2013, her FoodShare benefits would be reduced from \$302 per month to \$294 per month. (Exhibit 2, pgs. 25-30; Testimony of Ms. Thao-Xiong)
6. On September 11, 2013, Petitioner called the agency and inquired about her benefits and whether RV Sr. was still on her case. The agency worker erroneously requested an auxiliary disbursement, which was denied. (Exhibit 2, pg. 8)
7. On September 12, 2013, the agency sent Petitioner a notice erroneously stating that effective September 1, 2013, her FoodShare benefit, "will go up from \$436 to \$294". (Exhibit 2, pgs. 31-36)
8. On September 16, 2013, the agency sent Petitioner a notice indicating that effective September 1, 2013, her FoodShare benefits would be decreased from \$436 to \$294 per month. (Exhibit 2, pgs. 37-41)
9. Petitioner filed a request for Fair Hearing that was received by the Division of Hearings and Appeals on September 12, 2013. (Exhibit 1)
10. The September 12, 2013 and September 16, 2013 notices were generated because of the erroneously requested auxiliary disbursement. (Testimony of Ms. Thao-Xiong)

DISCUSSION

Petitioner does not dispute the fact that RV Sr. should never have been put on her case, because has not lived with her since the 1990s. At the hearing Petitioner's household composition, her income and her shelter expenses were reviewed with Petitioner and she did not contest the information provided by the agency regarding those matters. Consequently, it is found that the agency acted correctly in removing RV Sr. from Petitioner's case and reducing her FoodShare benefits. I note, however, that Petitioner's confusion and frustration was completely understandable, given the miscommunication with the agency and the somewhat confusing notices that were generated out of the CARES computer database on September 12 and 16, 2013.

CONCLUSIONS OF LAW

The agency correctly reduced Petitioner's FoodShare benefits effective October 1, 2013.

THEREFORE, it is

ORDERED

That the petition 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 21st day of October, 2013

\sMayumi M. Ishii
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 21, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability