



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/152648

PRELIMINARY RECITALS

Pursuant to a petition filed October 08, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Dane County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on November 06, 2013, at Madison, Wisconsin.

The issue for determination is whether the Department erred in its recoupment of FS overissuance from petitioner when the overissuance was his daughter's previous liability from before she lived with petitioner.

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: Michelle Furr

Dane County Department of Human Services
1819 Aberg Avenue
Suite D
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

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

2. Petitioner's daughter, [REDACTED], moved in with her father and was added to his FS case on August 22, 2013. Petitioner was only categorically eligible and the addition of one person to the household did not result in any increase of the FS allotment.
3. The agency began recouping on a previously determined overissuance for [REDACTED] by deducting from petitioner's FS case effective with the October 2013 allotment.
4. [REDACTED] had an intentional program violation with a sanction of disqualification from the FS program effective November 1, 2013.
5. With [REDACTED]'s moving into the home, the agency also determined that the household was over the income limit for FS.
6. Petitioner filed a request for hearing on 10/8/13 disputing that he should be responsible for his daughter's FS overissuance.

DISCUSSION

The only issue argued by petitioner is that it was unfair that his FS was reduced in recoupment of [REDACTED]'s overissuance. Petitioner did not dispute the termination of the FS. Petitioner complained that his FS in October was reduced from \$16 to \$10 and that he was not informed this this would happen in advance.

[REDACTED] moved into the household and had a previous overissuance finding (which was based on an uncontested IPV. Per FoodShare Wisconsin Handbook § 7.3.2.6 the agency was correct to recoup that amount from the FS case of which the liable party was part of. I see no error in the agency actions.

CONCLUSIONS OF LAW

The Department did not err in reducing the petitioner's FS to 10 dollars for October in recoupment of his daughter's overissuance as she became part of the household.

THEREFORE, it is

ORDERED

That this matter 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 Madison,
Wisconsin, this 27th day of November, 2013

\sJohn P. Tedesco
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on November 27, 2013.

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