



STATE OF WISCONSIN

---

In the Matter of



DECISION

FOF 152984

---

The proposed decision of the Administrative Law Judge dated December 11, 2013, is hereby adopted as the final order of the Department.

**REQUEST FOR A REHEARING**

This is a final administrative decision. You may petition for an administrative rehearing by submitting a specific written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. This request must be received by the Division within 20 days of the date of this Order. The process for requesting a rehearing petition is contained in Wisconsin Statutes § 227.49.

**APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed no more than 30 days after the date of this hearing decision (or 30 days after a denial of a timely rehearing request, if you ask for one). For purposes of appeal to Circuit Court, the Respondent in this matter is the Department of Health Services. Appeals 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, Room 651, Madison, WI 53703. The process for appeals to the Circuit Court is contained in Wisconsin Statutes §§ 227.52 and 227.53.

Given under my hand at the City of Madison,  
Wisconsin, this 23 day of January  
2014

Kevin E. Moore  
Kevin E. Moore, Deputy Secretary  
Department of Health Services



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

---

In the Matter of

Public Assistance Collection Unit, Petitioner

vs.

**PROPOSED DECISION**

██████████, Respondent

Case #: FOF - 152984

---

Pursuant to petition filed November 4, 2013, under Wis. Admin. Code §HA 3.03, and 7 C.F.R. § 273.16, to review a decision by the Wisconsin Department of Health Services ["DHS"] to disqualify ██████████ from receiving FoodShare benefits ["FS"] for a period of 1 year, a Hearing was held via telephone on Wednesday, November 11, 2013.

There is no issue for determination.

There appeared at that time via telephone the following persons:

**PARTIES IN INTEREST:**

Petitioner:

Public Assistance Collection Unit  
P.O. Box 8938  
Madison, WI 53708-8938

Respondent:

██████████  
██████████  
██████████

**ADMINISTRATIVE LAW JUDGE:**

Sean Maloney  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Respondent (CARES # [REDACTED]) is a resident of the State of Wisconsin.
2. The State of Wisconsin Department of Health Services ["DHS"] sent Respondent a written notice entitled *Administrative Disqualification Hearing Notice* notifying her of an FS disqualification Hearing scheduled for December 11, 2013 ["Notice"]; the Notice was dated November 4, 2013.
3. In the Notice, DHS alleged that Respondent had committed an FS Intentional Program Violation ["IPV"] by "using the FoodShare benefits of a deceased individual."
4. At the time of the December 11, 2013 Hearing DHS withdrew its allegation that Respondent committed an FS IPV because, based on new evidence, it concluded that Respondent's action were not intentional; the DHS representative testified that there would be no IPV against Respondent and no IPV FS disqualification period.

**THEREFORE, it is**

**ORDERED**

that, if this *Proposed Decision* is adopted by the DHS Secretary as the Final Decision in this matter, the IPV is REVERSED and the petition for review herein is DISMISSED.

**NOTICE TO RECIPIENTS OF THIS DECISION:**

This is a Proposed Decision of the Division of Hearings and Appeals. IT IS NOT A FINAL DECISION AND SHOULD NOT BE IMPLMENTED AS SUCH.

If you wish to comment or object to this Proposed Decision, you may do so in writing. It is requested that you briefly state the reasons and authorities for each objection together with any argument you would like to make. Send your comments and objections to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy to the other parties named in the original decision as "PARTIES IN INTEREST."

All comments and objections must be received no later than 15 days after the date of this decision. Following completion of the 15-day comment period, the entire hearing record together with the Proposed Decision and the parties' objections and argument will be referred to the Secretary of the Department of Health Services for final decision-making.

The process relating to Proposed Decision is described in Wis. Stat. § 227.46(2).

Given under my hand at the City of Madison,  
Wisconsin, this 4 day of  
December, 2013.  
Sean P. Maloney  
Administrative Law Judge  
Division of Hearings and Appeals

c: Public Assistance Collection Unit - email