



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/153217

PRELIMINARY RECITALS

Pursuant to a petition filed October 29, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Dunn County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on February 20, 2014, at Menomonie, Wisconsin.

The issue for determination is whether the county agency correctly ended the petitioner's FoodShare benefits because she failed to verify that a person she claimed was in her household was out of jail.

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, Room 651
Madison, Wisconsin 53703

By: Serena Stipek

Dunn County Department of Human Services
808 Main Street
PO Box 470
Menomonie, WI 54751

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Dunn County.
2. The petitioner requested on August 5, 2013, that the county agency add her boyfriend to her household for FoodShare purposes.

3. The county agency received a report indicating that the petitioner's boyfriend was in jail.
4. The county agency sent the petitioner a request on September 6, 2013, to verify by September 16, 2013, that her boyfriend was out of jail. When she did not provide this proof, it sent another request on September 25, 2013. The petitioner has not provided this verification.
5. On October 7, 2013, the county agency notified the petitioner that it was ending her FoodShare benefits on November 1, 2013, because she had not provided proof that boyfriend was out of jail.

DISCUSSION

FoodShare applicants must verify information the agency needs to determine their eligibility. 7 CFR § 273.2(f). Agencies must give applicants the later of 10 days from the request or 30 days from the date of application to provide the information. Agencies must deny benefits to those who fail to verify information 7 CFR § 273.2(c)(5); *FoodShare Wisconsin Handbook*, § 1.2.1.2. The petitioner reported that her boyfriend was moving into her house. When the county agency received a report that he had been in jail, it asked her on September 6, 2013, and again on September 25, 2013, to verify that he was out of jail. She has not done so, and the agency closed her case on November 1, 2013.

The petitioner did not provide any specific reason why she could not get proof that her boyfriend was out of jail. There are a number of ways to do this. He should have some paperwork showing when he got out. He also could get a letter from the jail saying he was no longer in jail. Even his attorney could have written something confirming that he no longer was incarcerated. Because there was no valid reason for her not to verify this fact, the agency correctly ended her benefits.

CONCLUSIONS OF LAW

The county agency correctly ended the petitioner's FoodShare benefits because she failed to verify that her boyfriend was not incarcerated.

THEREFORE, it is

ORDERED

The petitioner's appeal 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, Room 651, 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 28th day of February, 2014

\sMichael D. O'Brien
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 February 28, 2014.

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