



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Office of the Inspector General, Petitioner

vs.

DECISION
Case #: FOF - 154174

██████████ Respondent

On January 13, 2014, the Office of the Inspector General requested an Administrative Disqualification Hearing under 7 C.F.R. §273.16, seeking to disqualify the Respondent from the FoodShare Program for a period of one year, based upon allegations that he trafficked his FoodShare benefits.

Prior to the administrative law judge holding a hearing, the Office of Inspector General, submitted an e-mail indicating that it wished to withdraw its request for an Administrative Disqualification Hearing. Counsel for the Respondent asked that the matter be dismissed with prejudice. Though counsel is correct that Federal Regulations require the Office of Inspector General to proceed only with cases that it has convincing evidence to support, there is nothing that I have found in State or Federal law that requires this matter to be dismissed with prejudice, at this time.

NOW, THEREFORE, it is

ORDERED

That that the IPV is REVERSED and the petition for review herein is DISMISSED.

APPEAL TO COURT

You may appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, WI 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision.**

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee, Wisconsin,
this 30th day of April, 2014.

\sMayumi Ishii
Administrative Law Judge
Division of Hearings and Appeals

c: Office of the Inspector General - email
Public Assistance Collection Unit - email
Division of Health Care Access and Accountability - email
Attorney Patricia DeLessio - email



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on April 30, 2014.

Office of the Inspector General
Public Assistance Collection Unit
Division of Health Care Access and Accountability
Attorney Patricia DeLessio