



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/154199

PRELIMINARY RECITALS

Pursuant to a petition filed December 13, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Eau Claire County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on January 22, 2014, at Eau Claire, Wisconsin.

The issue for determination is whether the petitioner can receive FoodShare while on a college meal plan.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Jennifer Dahl

Eau Claire County Department of Human Services
721 Oxford Avenue
PO Box 840
Eau Claire, WI 54702-0840

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Eau Claire County.
2. The petitioner attended college full time through December 2013.

3. While in college, the petitioner was on a meal plan that allowed her to eat over half of her meals on campus.
4. The county agency ended the petitioner's FoodShare benefits on November 30, 2013, because she was on the meal plan.

DISCUSSION

The petitioner was a fulltime student who was on a meal plan that allowed her to eat over half of her meals on campus. The county agency ended her FoodShare benefits on November 30, 2013, because of the following FoodShare policy found at *FoodShare Wisconsin Handbook*, § 13.5.1.:

A student who lives in campus housing and purchases a meal plan that provides more than half of their meals is not eligible for FS, even if the student does not eat meals from the meal plan.

The petitioner testified that she had a job that prevented her from eating half of her meals on campus. As the policy states, this does not matter. Nor could I find any provision in the federal code of regulations that prevents the Department from enacting this policy. Therefore, I must uphold the agency's decision. In making this decision, I am aware that the petitioner has been suspended from college. As I told her at the hearing, she should reapply for benefits and report this to the county agency.

CONCLUSIONS OF LAW

The county agency correctly determined that the petitioner was ineligible for FoodShare because she lived on campus and purchased a meal plan that allowed her to eat more than half of her meals on campus.

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 22nd day of January, 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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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on January 22, 2014.

Eau Claire County Department of Human Services
Division of Health Care Access and Accountability