



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

ENE/154217

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**PRELIMINARY RECITALS**

Pursuant to a petition filed December 13, 2013, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Sheboygan County Department of Human Services in regard to Energy Assistance, a hearing was held on January 23, 2014, at Sheboygan, Wisconsin.

The issue for determination is whether the county agency correctly denied the petitioner's application for Energy Assistance (EA) due to a failure to submit the signed certification form.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Administration  
101 East Wilson Street  
Madison, Wisconsin 53703

By: Kris Schmidt, ESS Supv., Energy Services Worker  
Sheboygan County Department of Human Services  
3620 Wilgus Ave  
Sheboygan, WI 53081

**ADMINISTRATIVE LAW JUDGE:**

Kelly Cochrane  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Sheboygan County.
2. On September 25, 2013 the petitioner applied for EA. The agency mailed him a Client Certification Page so that he could sign off on the application.

3. The agency did not receive the Client Certification Page from the petitioner and therefore on November 13, 2013 the agency issued a notice of decision to petitioner stating that his application for EA was denied because it exceeded 31 days from the application date.

### **DISCUSSION**

Wisconsin provides Energy Assistance (EA) for qualified low-income households under Wis. Stats. §16.27. The Department of Administration administers the program using the *Wisconsin Home Energy Assistance Program, Program and Operations Manual (Manual)*, 2013 version available online at <http://homeenergyplus.wi.gov/docview.asp?docid=23560&locid=25>.

To be eligible for EA, a household must meet financial and nonfinancial requirements. The application process requires that applicants provide complete and accurate information for their household. Each application must therefore have a client signature and intake worker signature on the client certification page. See *Manual* §§1.6, 2.1, 2.3.2, 3.1.4, and 3.2.5. The certification page provides notice to the applicant regarding use of the information provided and the rights of the applicant. *Id.* The certification page provides worker acknowledgement of verification of the client's information and agreement to comply with the Home Energy Plus Conflict of Interest Policy. *Id.* If the applicant returns the information within 30 days, the agency is instructed to enter the additional information, save and submit the application and then 'Accept Benefits' for payment. *Id.* If the documentation is not returned within 30 days, the system will deny the application as incomplete. Then the applicant will have to re-apply. *Id.*

In this case, the petitioner agreed that he did not return the certification page because he did not understand all of the terms to which he would agree to if he signed the form. He testified that he attempted to speak with someone about his questions, but that his questions were never answered. Specifically, he questioned item #12 about carbon emissions. It is not proper for me to offer legal advice to this applicant about a contract into which he might enter, but I agree that the EA program should be able to explain the terms of their forms. The only information I have for that is to offer the telephone number for the EA program in Madison. The EA website lists it as 1-866-HEATWIS.

In the end however, the agency is duly authorized to run the program application process on a form it see fits. Wis. Stats. §16.27(4)(a). It is up to the petitioner to determine if he wishes to submit to the program requirements. Accordingly, I find the agency acted correctly here. Petitioner is reminded that he can still apply for EA.

### **CONCLUSIONS OF LAW**

The county agency correctly denied the petitioner's application for Energy Assistance (EA) due to a failure to sign the client certification form.

**THEREFORE, it is**

**ORDERED**

That the petition for review herein 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 Administration. 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: 101 East 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 Milwaukee,  
Wisconsin, this 6th day of February, 2014

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\sKelly Cochrane  
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 6, 2014.

Sheboygan County Department of Human Services  
DOA - Energy Assistance