STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Milwaukee Enrollment Services, Petitioner

vs.

DECISION
Case #: FOF - 155300

[redacted] Respondent

The attached proposed decision of the hearing examiner dated May 7, 2014, is modified as follows and, as such, is hereby adopted as the final order of the Department.

Pursuant to petition filed February 7, 2014, under Wis. Admin. Code §HA 3.03, and 7 C.F.R. § 273.16, to review a decision by the Milwaukee Enrollment Services to disqualify Jerrard Ellis from receiving FoodShare benefits (FS) for one year, a hearing was held on Tuesday, March 25, 2014 at 10:00 AM, at Milwaukee, Wisconsin.

The issue for determination is whether the respondent committed an Intentional Program Violation (IPV).

There appeared at that time the following persons:

PARTIES IN INTEREST:
Petitioner:

Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

Respondent:
[redacted]

ADMINISTRATIVE LAW JUDGE:
Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. The respondent (CARES #[redacted]) is a resident of Milwaukee County who received FS benefits in Milwaukee County from June 3, 2013 through October 31, 2013.

2. On June 3, 2013, respondent applied for FS benefits in Wisconsin. He reported he was not receiving any other SNAP benefits. He reported an address of [redacted] On June 4, 2013, the agency issued a Notice of Decision informing the respondent that he was eligible for FS benefits of $102 for June, 2013 and $110/month effective July 1, 2013.

3. On October 22, 2013, the Office of Inspector General (OIG) received an interstate match with the State of Mississippi for the respondent. The respondent's Wisconsin case was pended. On October 23, 2013, the agency issued a Notice of Proof Needed requesting verification of SNAP benefits in other states. The requested information was due November 1, 2013.

4. On November 4, 2013, the agency issued a Notice of Decision informing the respondent that his FS benefits would end on December 1, 2013 for failure to provide requested verification.

5. On November 13, 2013, the agency received verification that respondent's benefits case in [redacted] was closed effective October 22, 2013 because he no longer resides in [redacted]

6. On November 14, 2013, the agency issued a Notice of Decision informing the respondent that his FS case in Wisconsin was re-opened and he would receive benefits of $189/month effective December 1, 2013.

7. On January 9, 2014, the agency issued a Notification of FS Overissuance informing the respondent that the agency intends to recoup an overissuance of FS benefits in the amount of $584 for the period of June 3, 2013 – October 31, 2013.

8. On February 14, 2014, the petitioner prepared an Administrative Disqualification Hearing Notice alleging that respondent intentionally reported he was not receiving FS benefits in another state.

9. The respondent failed to appear for the scheduled March 25, 2014 Intentional Program Violation (IPV) hearing and did not provide any good cause for said failure to appear.

DISCUSSION

An intentional program violation of the FoodShare program occurs when a recipient intentionally does the following:

1. makes a false or misleading statement, or misrepresents, conceals or withholds facts; or
2. commits any act that constitutes a violation of the Food Stamp Act, the Food Stamp Program Regulations, or any Wisconsin statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of FoodShare benefits or QUEST cards.

FoodShare Wisconsin Handbook, § 3.14.1; *see also* 7 C.F.R. § 273.16(c) and Wis. Stat. §§ 49.795(2-7).

An intentional program violation can be proven by a court order, a diversion agreement entered into with the local district attorney, a waiver of a right to a hearing, or an administrative disqualification hearing, *FoodShare Wisconsin Handbook,* § 3.14.1. The petitioner can disqualify only the individual found to have committed the intentional violation; it cannot disqualify the entire household. Those disqualified on grounds involving the improper transfer of FS benefits are ineligible to participate in the FoodShare program for one year for the first violation, two years for the second violation, and permanently for the third violation. Although other family members cannot be disqualified, their monthly allotments will be reduced unless they agree to make restitution within 30 days of the date that the FS program mails a written demand letter. 7 C.F.R. § 273.16(b).

7 C.F.R. §273.16(e)(4) provides that the hearing shall proceed if the respondent cannot be located or fails to appear without good cause. The respondent did not appear or claim a good cause reason for not attending the hearing. Therefore, I must determine whether the respondent committed an IPV based solely on the evidence that the petitioner presented at hearing.

In order for the petitioner to establish that an FS recipient has committed an IPV, it has the burden to prove two separate elements by clear and convincing evidence. The recipient must have: 1) committed; and 2) intended to commit a program violation per 7 C.F.R. § 273.16(e)(6). In *Kuehn v. Kuehn*, 11 Wis.2d 15 (1959), the court held that:

> Defined in terms of quantity of proof, reasonable certitude or reasonable certainty in ordinary civil cases may be attained by or be based on a mere or fair preponderance of the evidence. Such certainty need not necessarily exclude the probability that the contrary conclusion may be true. In fraud cases it has been stated the preponderance of the evidence should be clear and satisfactory to indicate or sustain a greater degree of certitude. Such degree of certitude has also been defined as being produced by clear, satisfactory, and convincing evidence. Such evidence, however, need not eliminate a reasonable doubt that the alternative or opposite conclusion may be true. ...

Kuehn, 11 Wis.2d at 26.

Wisconsin Jury Instruction – Civil 205 is also instructive. It provides:

> Clear, satisfactory and convincing evidence is evidence which when weighed against that opposed to it clearly has more convincing power. It is evidence which satisfies and convinces you that "yes" should be the answer because of its greater weight and clear convincing power. "Reasonable certainty" means that you are persuaded based upon a rational consideration of the evidence. Absolute certainty is not required, but a guess is not enough to meet the burden of proof. This burden of proof is known as the "middle burden." The evidence required to meet this burden of proof must be more convincing than merely the greater weight of the credible evidence but may be less than beyond a reasonable doubt.

Further, the *McCormick* treatise states that "it has been persuasively suggested that [the clear and convincing evidence standard of proof] could be more simply and intelligibly translated to the jury if they were instructed that they must be persuaded that the truth of the contention is highly probable." 2 *McCormick on Evidence* § 340 (John W. Strong gen. ed., 4th ed. 1992.

Thus, in order to find that an IPV was committed, the trier of fact must derive from the evidence, a firm conviction as to the existence of each of the two elements even though there may exist a reasonable doubt that the opposite is true.

In order to prove the second element, i.e., intention, there must be clear and convincing evidence that the FS recipient intended to commit the IPV. The question of intent is generally one to be determined by the trier of fact. *State v. Lossman*, 118 Wis.2d 526 (1984). There is a general rule that a person is presumed to know and intend the probable and natural consequences of his or her own voluntary words or acts. *See*, *John F. Jelke Co. v. Beck*, 208 Wis. 650 (1932); 31A C.J.S. Evidence §131. Intention is a subjective state of mind to be determined upon all the facts. *Lecus v. American Mut. Ins. Co. of Boston*, 81 Wis.2d 183 (1977). Thus, there must be clear and convincing evidence that the FS recipient knew that the act or omission was a violation of the FS Program but committed the violation anyway.

A. IPV

In the instant case, the agency asserts that the respondent provided false information about whether he was receiving FS benefits in another state in order to receive duplicate benefits in Wisconsin between June 3, 2013

and October 31, 2013. For this alleged violation, the agency seeks to impose a penalty of 10 year disqualification from the FS program.

In order to prove an IPV, the agency must demonstrate that the respondent made a false or misleading statement or misrepresented, concealed or withheld facts on his FS application. Based on the evidence, I conclude that the respondent did make a misleading statement or he concealed or withheld facts when he answered questions on his FS application indicating he was not receiving other FS benefits when the facts show he had not closed his [redacted] benefit case. The case comments introduced by the agency indicate that the respondent used his [redacted] benefits while he was getting Wisconsin benefits. Thus, I conclude that the respondent committed an IPV. The respondent did not appear at the hearing and therefore I have no explanation from the respondent regarding why he might have made misleading statements or withheld facts on the application. I must conclude, based on the evidence from the agency, that the respondent intended to commit the IPV.

B. 10 year Disqualification Penalty

Though I conclude that the agency did meet its burden of proving an IPV against the respondent, I note an issue with regard to the 10 year disqualification penalty sought by the agency in this case.

The federal regulations at 7 CFR § 273.16(b)(5) state:

> " . . .an individual found to have made a fraudulent statement or representation *with respect to the identity or place of residence* of the individual in order to receive multiple food stamp benefits simultaneously shall be ineligible to participate in the Program for a period of 10 years."

7 CFR § 273.16(b)(5) (emphasis added).

The FoodShare Wisconsin Handbook states as follows:

> "A person who makes a false or misleading statement, or misinterprets, conceals or withholds facts *including but not limited to identity or place of residence* in order to receive multiple FS benefits simultaneously shall be ineligible for a period of 10 years."

FS Wisconsin Handbook § 3.14.1.2 (emphasis added).

The FS Wisconsin Handbook appears to be in conflict with the federal regulation when it allows the agency to impose a 10 year disqualification if the respondent makes *any* false statement or misrepresents, conceals or withholds *any* facts *"including but not limited to identity or place of residence"* in order to receive duplicate benefits. The federal regulation at 7 CFR 273.16(b)(5) limits imposition of the 10 year disqualification penalty period to cases in which an individual made a fraudulent statement or misrepresented facts regarding *identity or residence* in order to receive duplicate benefits. I note that the language in the ACCESS application is consistent with the federal regulation when it states in the "FoodShare Penalty Warning" as follows:

> "You will be ineligible to participate for 10 years if you are found to have made a fraudulent statement or representation with respect to identity and residence in order to receive multiple benefits at the same time."

FS Wisconsin ACCESS Application.

There is no allegation that the respondent misrepresented his identity or his Wisconsin residence to the agency and the agency did not present any evidence that respondent's identity or residence were misrepresented in his Wisconsin applications. However, his representation to [redacted] that he was a resident there continued until October 22 when [redacted] terminated his benefits for lack of residency.

The question is whether Respondent fraudulently represented that he was a resident of [redacted] once he moved to Wisconsin. I find that he did. Respondent is expected to report a change that fully disqualifies him from eligibility in [redacted] Respondent must be honest in his dealings with both states. The integrity of the program, and the ease and speed of application, must depend upon the accuracy and honesty in fact of applicants and recipients. A representation does not require an affirmative act. It may also occur by failing to disclose information that would correct a false impression. Here the respondent had a duty to disclose his residency, and that failure to disclose is a representation. See State v. Ploeckelman, 2007 WI App 31, 299 Wis.2d 251. Kaloti Enterprises, Inc. v. Kellogg Sales Company, 283 Wis.2d 555 (2005) The Respondent allowed the continuing and false representation that he was a Mississippi resident and denied on his Wisconsin application that he was receiving Foodshare in another state. This amounts to an intended misrepresentation of residency for the purpose of receiving duplicate benefits.

I reviewed the § 273.16(b)(5) rule-making record. The following is contained in 66 FR 11 (January 17, 2001):

> Finally, one respondent asked for clarification on whether continuing to receive benefits in one State after moving to a second constitutes duplicate participation [for purposes of the ten-year disqualification]. If so, which State should pursue the IPV and establish the claim; the State the individual moved from or the State the individual moved to. In such cases, the State where the individual resides should initiate the IPV investigation and establish the claim.

This is precisely Respondent's situation. I find that the OIG action to impose a ten-year disqualification was proper.

CONCLUSIONS OF LAW

The OIG has met its burden to prove, by clear and convincing evidence, that the Respondent fraudulently represented his state of residency in order to obtain duplicate benefits.

THEREFORE, it is **ORDERED**

That the IPV is sustained and that Respondent, [redacted] is hereby ineligible to participate in the FoodShare program for a period of ten years, effective the first month following the date of receipt of this decision.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision.** Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST". Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or 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 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** or 30 days after a denial of a timely rehearing request (if you request one).

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 Madison, Wisconsin, this 10 day of July, 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

Milwaukee Enrollment Services, Petitioner

vs.

PROPOSED DECISION
Case #: FOF - 155300

[redacted], Respondent

Pursuant to petition filed February 7, 2014, under Wis. Admin. Code §HA 3.03, and 7 C.F.R. § 273.16, to review a decision by the Milwaukee Enrollment Services to disqualify Jerrard Ellis from receiving FoodShare benefits (FS) for one year, a hearing was held on Tuesday, March 25, 2014 at 10:00 AM, at Milwaukee, Wisconsin.

The issue for determination is whether the respondent committed an Intentional Program Violation (IPV).

There appeared at that time the following persons:

PARTIES IN INTEREST:
Petitioner:

Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

Respondent:
[redacted]

ADMINISTRATIVE LAW JUDGE:
Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. The respondent (CARES #[redacted]) is a resident of Milwaukee County who received FS benefits in Milwaukee County from June 3, 2013 through October 31, 2013.

2. On June 3, 2013, respondent applied for FS benefits in Wisconsin. He reported he was not receiving any other SNAP benefits. He reported an address of [redacted] On June 4, 2013, the

agency issued a Notice of Decision informing the respondent that he was eligible for FS benefits of $102 for June, 2013 and $110/month effective July 1, 2013.

3. On October 22, 2013, the Office of Inspector General (OIG) received an interstate match with the State of Mississippi for the respondent. The respondent's Wisconsin case was pended. On October 23, 2013, the agency issued a Notice of Proof Needed requesting verification of SNAP benefits in other states. The requested information was due November 1, 2013.

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DISCUSSION

An intentional program violation of the FoodShare program occurs when a recipient intentionally does the following:

1. makes a false or misleading statement, or misrepresents, conceals or withholds facts; or
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An intentional program violation can be proven by a court order, a diversion agreement entered into with the local district attorney, a waiver of a right to a hearing, or an administrative disqualification hearing, *FoodShare Wisconsin Handbook,* § 3.14.1. The petitioner can disqualify only the individual found to have committed the intentional violation; it cannot disqualify the entire household. Those disqualified on grounds involving the improper transfer of FS benefits are ineligible to participate in the FoodShare program for one year for the first violation, two years for the second violation, and permanently for the third violation. Although other family members cannot be disqualified, their monthly allotments will be reduced unless they agree to make restitution within 30 days of the date that the FS program mails a written demand letter. 7 C.F.R. § 273.16(b).

7 C.F.R. §273.16(e)(4) provides that the hearing shall proceed if the respondent cannot be located or fails to appear without good cause. The respondent did not appear or claim a good cause reason for not attending the

hearing. Therefore, I must determine whether the respondent committed an IPV based solely on the evidence that the petitioner presented at hearing.

In order for the petitioner to establish that an FS recipient has committed an IPV, it has the burden to prove two separate elements by clear and convincing evidence. The recipient must have: 1) committed; and 2) intended to commit a program violation per 7 C.F.R. § 273.16(e)(6). In *Kuehn v. Kuehn*, 11 Wis.2d 15 (1959), the court held that:

> Defined in terms of quantity of proof, reasonable certitude or reasonable certainty in ordinary civil cases may be attained by or be based on a mere or fair preponderance of the evidence. Such certainty need not necessarily exclude the probability that the contrary conclusion may be true. In fraud cases it has been stated the preponderance of the evidence should be clear and satisfactory to indicate or sustain a greater degree of certitude. Such degree of certitude has also been defined as being produced by clear, satisfactory, and convincing evidence. Such evidence, however, need not eliminate a reasonable doubt that the alternative or opposite conclusion may be true. ...

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Wisconsin Jury Instruction – Civil 205 is also instructive. It provides:

> Clear, satisfactory and convincing evidence is evidence which when weighed against that opposed to it clearly has more convincing power. It is evidence which satisfies and convinces you that "yes" should be the answer because of its greater weight and clear convincing power. "Reasonable certainty" means that you are persuaded based upon a rational consideration of the evidence. Absolute certainty is not required, but a guess is not enough to meet the burden of proof. This burden of proof is known as the "middle burden." The evidence required to meet this burden of proof must be more convincing than merely the greater weight of the credible evidence but may be less than beyond a reasonable doubt.

Further, the *McCormick* treatise states that "it has been persuasively suggested that [the clear and convincing evidence standard of proof] could be more simply and intelligibly translated to the jury if they were instructed that they must be persuaded that the truth of the contention is highly probable." 2 *McCormick on Evidence* § 340 (John W. Strong gen. ed., 4th ed. 1992.

Thus, in order to find that an IPV was committed, the trier of fact must derive from the evidence, a firm conviction as to the existence of each of the two elements even though there may exist a reasonable doubt that the opposite is true.

In order to prove the second element, i.e., intention, there must be clear and convincing evidence that the FS recipient intended to commit the IPV. The question of intent is generally one to be determined by the trier of fact. *State v. Lossman*, 118 Wis.2d 526 (1984). There is a general rule that a person is presumed to know and intend the probable and natural consequences of his or her own voluntary words or acts. *See, John F. Jelke Co. v. Beck*, 208 Wis. 650 (1932); 31A C.J.S. Evidence §131. Intention is a subjective state of mind to be determined upon all the facts. *Lecus v. American Mut. Ins. Co. of Boston*, 81 Wis.2d 183 (1977). Thus, there must be clear and convincing evidence that the FS recipient knew that the act or omission was a violation of the FS Program but committed the violation anyway.

A. IPV

In the instant case, the agency asserts that the respondent provided false information about whether he was receiving FS benefits in another state in order to receive duplicate benefits in Wisconsin between June 3, 2013 and October 31, 2013. For this alleged violation, the agency seeks to impose a penalty of 10 year disqualification from the FS program.

In order to prove an IPV, the agency must demonstrate that the respondent made a false or misleading statement or misrepresented, concealed or withheld facts on his FS application. Based on the evidence, I conclude that the respondent did make a misleading statement or he concealed or withheld facts when he answered questions on his FS application indicating he was not receiving other FS benefits when the facts show he had not closed his [redacted] benefit case. The case comments introduced by the agency indicate that the respondent used his [redacted] benefits while he was getting Wisconsin benefits. Thus, I conclude that the respondent committed an IPV. The respondent did not appear at the hearing and therefore I have no explanation from the respondent regarding why he might have made misleading statements or withheld facts on the application. I must conclude, based on the evidence from the agency, that the respondent intended to commit the IPV.

B. 10 year Disqualification Penalty

Though I conclude that the agency did meet its burden of proving an IPV against the respondent, I note an issue with regard to the 10 year disqualification penalty sought by the agency in this case.

The federal regulations at 7 CFR § 273.16(b)(5) state:

> " . . .an individual found to have made a fraudulent statement or representation *with respect to the identity or place of residence* of the individual in order to receive multiple food stamp benefits simultaneously shall be ineligible to participate in the Program for a period of 10 years."

7 CFR § 273.16(b)(5) (emphasis added).

The FoodShare Wisconsin Handbook states as follows:

> "A person who makes a false or misleading statement, or misinterprets, conceals or withholds facts *including* *but not limited to* *identity or place of residence* in order to receive multiple FS benefits simultaneously shall be ineligible for a period of 10 years."

FS Wisconsin Handbook § 3.14.1.2 (emphasis added).

The FS Wisconsin Handbook appears to be in conflict with the federal regulation when it allows the agency to impose a 10 year disqualification if the respondent makes *any* false statement or misrepresents, conceals or withholds *any* facts *"including* *but not limited to* *identity or place of residence"* in order to receive duplicate benefits. The federal regulation at 7 CFR 273.16(b)(5) limits imposition of the 10 year disqualification penalty period to cases in which an individual made a fraudulent statement or misrepresented facts regarding *identity or residence* in order to receive duplicate benefits. I note that the language in the ACCESS application is consistent with the federal regulation when it states in the "FoodShare Penalty Warning" as follows:

> "You will be ineligible to participate for 10 years if you are found to have made a fraudulent statement or representation with respect to identity and residence in order to receive multiple benefits at the same time."

FS Wisconsin ACCESS Application.

There is no allegation that the respondent misrepresented his identity or his Wisconsin residence to the agency and the agency did not present any evidence that respondent's identity or residence were misrepresented in his Wisconsin applications. Rather, the agency seeks to impose a 10 year disqualification because it alleges that the respondent withheld information about receiving FS benefits in [redacted] when he answered "no" to the question on his Wisconsin application of whether he was "getting other FS benefits."

The agency did not present, and I have been unable to find, any federal or state law that allows the agency to impose a 10 year disqualification for anything other than fraudulent statements or misrepresentation of facts

regarding identity or residence in order to receive duplicate benefits. Wisconsin Statutes discuss the 10 year disqualification that may be imposed in criminal FS fraud cases.

> ". . . the court shall suspend from the food stamp program for a period of 10 years a person who fraudulently misstates or misrepresents *his or her identity or place of residence* for the purpose of receiving multiple benefits simultaneously under the food stamp program."

Wis. Stats. § 49.795(8)(f) (emphasis added).

While this statute applies to criminal cases and is not specifically applicable to an administrative hearing, I note that the statute is consistent with the federal regulation in allowing a court to impose a 10 year disqualification period only for fraudulently misstating or misrepresenting identity or residence. The penalty for misstating other facts in order to receive benefits is a one year penalty for a first offense. Wis. Stats. §§ 49.795(2) and 49.795(8)(d).

Though there is no evidence that the respondent misrepresented or concealed facts about his identity or residence, an IPV occurs when an individual makes a false or misleading statement, or misrepresents, conceals or withholds facts in order to receive benefits. In this case, I conclude that there is sufficient evidence to uphold the IPV. However, the agency may not impose a 10 year disqualification penalty because there is no allegation that the respondent misrepresented or concealed or withheld facts about his identity or residence. Because this is the respondent's first violation, I conclude a one year disqualification is the proper penalty.

Whenever a Decision holds that a manual or handbook provision, contract provision, state plan provision, numbered memo administrative directive, or other official document is invalid or limited under a statute, administrative rule, or federal regulation it must be issued as a Proposed Decision. Wis. Admin. Code § HA 3.09(9)(b)1. (September 2001). Therefore, this Decision is being issued as a Proposed Decision. The Secretary of the Wisconsin Department of Health and Family Services (DHFS) will make the Final Decision in this matter.

CONCLUSIONS OF LAW

1. The respondent violated, and intended to violate, the FS program rule specifying that misrepresenting eligibility to receive FS benefits is prohibited.
2. The respondent did not misrepresent his identity or residence and the agency may not, therefore, impose a 10 year disqualification from the FS program. The violation specified in Conclusion of Law No. 1 is the first such violation committed by the respondent. Therefore, a one year disqualification penalty from the FS program is appropriate.

NOW, THEREFORE, it is **ORDERED**

That if this decision is adopted by the DHS Secretary as a Final Decision:

That the petitioner's determination of an IPV is sustained, and that the petitioner may make a finding that the respondent committed a first IPV of the FoodShare program and disqualify the respondent from the program for one year, effective the first month following the date of receipt of this decision.

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 IMPLEMENTED AS SUCH.

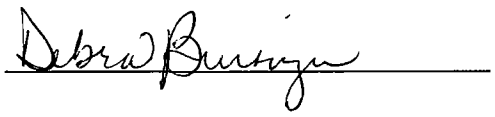
If you wish to comment or object to this Proposed Decision, you may do so in writing. It is requested that you briefly state the reasons and authorities for each objection together with any argument you would like to make.

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. Stats. § 227.46(2).

Given under my hand at the City of Milwaukee, Wisconsin, this 7th day of May, 2014



Debra Bursinger
Administrative Law Judge
Division of Hearings and Appeals

c: Miles - email
Public Assistance Collection Unit - email
Division of Health Care Access and Accountability - email
Pamela Hazley - email