



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FOP/155341

PRELIMINARY RECITALS

Pursuant to a petition filed February 10, 2014, under Wis. Admin. Code §HA 3.03, to review a decision by the Bayfield County Human Services in regard to FoodShare benefits (FS), a hearing was held on March 18, 2014, at Washburn, Wisconsin.

The issue for determination is whether the county agency correctly determined the amount of the petitioner's FoodShare overpayment.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Beulah Garcia
Bayfield County Human Services
117 East 5Th St
PO Box 100
Washburn, WI 54891-0100

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. The petitioner (CARES # [redacted]) is a resident of Bayfield County.
2. The county agency notified the petitioner that it would seek to recover \$1,793 in FoodShare provided to the petitioner from July 1, 2012, through November 30, 2013.

3. The agency has reduced the amount of FoodShare benefits it seeks to recover to \$427. This alleged overpayment covers from September 1, 2012, through December 31, 2012.
4. The petitioner agrees that he owes the reduced FoodShare overpayment.

### DISCUSSION

The county agency originally sought to recover \$1,793 in FoodShare provided to the petitioner from July 1, 2012, through November 30, 2013. Just before the hearing, it reduced this amount of the overpayment to \$427 and the period to September 1, 2012, through December 31, 2012. The petitioner agrees that this amended amount and period is correct and that the matter can be dismissed.

### CONCLUSIONS OF LAW

The petitioner must repay a \$427 FoodShare overpayment that occurred from September 1, 2012, through December 31, 2012.

**THEREFORE, it is** **ORDERED**

The petitioner's appeal is dismissed. If the agency does not reduce the amount of the overpayment, the petitioner may file a new appeal.

### **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, Wisconsin 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 (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 19th day of March, 2014

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\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 March 19, 2014.

Bayfield County Human Services  
Public Assistance Collection Unit  
Division of Health Care Access and Accountability