



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

WTI/156117

PRELIMINARY RECITALS

Pursuant to a petition filed March 17, 2014, under Wis. Stat. § 49.85(4), to review a decision by the Wisconsin Works (W-2) in regard to W-2 benefits, a telephonic hearing was held on April 09, 2014, at Milwaukee, Wisconsin. At the request of the parties, the record was held open for three weeks for the submission of additional evidence by petitioner, research by the Department, and a written response by the Department's representative. Ms. Martinez sent an April 23, 2014 statement to DHA which indicated that the Department stipulated that the petitioner's Job Access Loan (JAL) as voided and never actually issued to the petitioner, and thus the Department was cancelling the tax intercept against petitioner for that JAL.

The issue for determination is whether there is any remaining issue in dispute regarding the tax intercept of petitioner's alleged W-2 Job Access Loan (JAL), as the Department has stipulated that such JAL loan was never issued to the petitioner and thus the incorrect tax intercept needs to be rescinded.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Children and Families
201 East Washington Avenue
Madison, Wisconsin 53703

By: Cynthia Martinez, W-2 quality assurance manager
Wisconsin Works (W-2)
6550 N. 76th Street
Milwaukee, WI 53223

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner, [REDACTED] (a/k/a Brown) (CARES # [REDACTED]) is a resident of Milwaukee County.
2. The petitioner received W-2 benefits.
3. The Department sent a November 16, 2007 tax intercept notice to the petitioner at her incorrect address stating that she received an unpaid debt of \$1,250 for a Job Access Loan (JAL) loan for Claim # [REDACTED]. See Exhibit 1. Petitioner did not receive Exhibit 1.
4. During and after the April 9, 2014 hearing, petitioner presented evidence to establish a question whether a JAL loan had actually been issued to petitioner in Claim # [REDACTED].
5. W-2 manager Cynthia Martinez sent an April 23, 2014 statement to DHA which indicated that after a thorough investigation the Department stipulated that the petitioner's JAL was voided and never actually issued to the petitioner, and thus the Department was cancelling the tax intercept of \$1,250 against petitioner for that JAL loan # [REDACTED].

**CONCLUSIONS OF LAW**

There is no longer any remaining issue in dispute regarding the \$1,250 tax intercept of petitioner's alleged W-2 Job Access Loan (JAL), as the Department has stipulated that such JAL loan in Claim # [REDACTED] was never issued to the petitioner and thus the incorrect tax intercept must be rescinded.

**THEREFORE, it is**

**ORDERED**

The matter is remanded to the Department with instructions to take the necessary administrative actions to: a) cancel and rescind the tax intercept of \$1,250 against petitioner for JAL loan Claim # [REDACTED] because it was never issued to the petitioner; and b) refund to the petitioner any amount that has already been collected from the petitioner from the tax intercept action, within 10 days of the date 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 Children and Families, 201 East Washington Avenue, 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 11th day of July, 2014

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\sGary M. Wolkstein  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

Brian Hayes, Administrator  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on July 11, 2014.

Wisconsin Works (W-2)  
Public Assistance Collection Unit