



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]

|

[Redacted]

ENE/156192

PRELIMINARY RECITALS

Pursuant to a petition filed March 20, 2014, 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 April 17, 2014, at Sheboygan, Wisconsin.

The issue for determination is whether Petitioner’s Wisconsin Home Energy Assistance Program (WHEAP) application was correctly denied for lack of verification of household membership.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]

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Respondent:

Department of Administration
101 East Wilson Street
Madison, Wisconsin 53703

By: Kris Schmidt

Sheboygan County Department of Human Services
3620 Wilgus Ave
Sheboygan, WI 53081

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Sheboygan County.
2. Petitioner applied for WHEAP on January 28, 2014.
3. In processing Petitioner’s application the agency became aware that there was an individual in the home whose name was not on the application. Petitioner was asked to provide information about that individual via a phone call as well as in writing.

4. The agency has no record of receipt of the requested information so denied Petitioner's WHEAP application.

DISCUSSION

Eligibility for energy assistance benefits is contingent upon meeting a number of financial and nonfinancial criteria. See *Wisconsin Home Energy Assistance Program, Program and Operations Manual, (Manual) Chapter 2 & 3, generally*. Relevant here are the program requirements concerning household size and income.

All persons living in a household at the time of application must be included on the application. *Manual, 3.4.27*. If a question arises in the course processing the application the agency must seek verification. *Manual, §§3.3.2.5. and 3.3.2.5.1.*

Petitioner believes that she called the agency back to provide the requested information but is not absolutely certain of that. Further, the agency records do not show that the requested information was submitted. There is just not enough evidence from Petitioner to rebut the lack of any record as to the verification in the agency files. I am, therefore, sustaining the denial.

Petitioner was advised during the hearing to resubmit an application as she was still within the time limits for submitting an application for the 2013-2014 heating season.

CONCLUSIONS OF LAW

That the agency correctly denied Petitioner's energy assistance application for lack of verification.

THEREFORE, it is

ORDERED

That this 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 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 21st day of May, 2014

\sDavid D. Fleming
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 May 21, 2014.

Sheboygan County Department of Human Services
DOA - Energy Assistance