



**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/156899

PRELIMINARY RECITALS

Pursuant to a petition filed April 16, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a telephonic hearing was held on May 07, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether Milwaukee Enrollment Services (MES) correctly did not increase the petitioner’s FoodShare (FS) benefits until May 1, 2014 for adding his two children to his FS case.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Simone Johnson, IMM advanced
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County who received FoodShare (FS) benefits.
2. On April 2, 2014, petitioner contacted Milwaukee Enrollment Services (MES) to request adding two of his children to his FS case (and removing those children from their mother’s [REDACTED]’s] FS case).

3. During April, 2014, petitioner verified his physical custody and placement of his two children to MES based upon submitting a copy of a March 14, 2014 Court Stipulation and Order in Case No. [REDACTED].
4. Milwaukee Enrollment Services (MES) sent an April 7, 2014 Notice of Decision to the petitioner stating that effective May 1, 2014 his FS benefits would increase from \$347 to \$750 due to adding his two children to his FS case.

DISCUSSION

The FoodShare Wisconsin Handbook provides the following regarding increases in FS benefits due to adding persons to a FS case:

All reported changes that cause an increase in the FS benefit including person additions, increases in expenses, etc., **will be effective the first of the month following the report month** if required verifications are received within 10 days of the request for verification.

FoodShare Wisconsin Handbook, 6.1.3.3.

In this case, the petitioner did not report to MES until April 2, 2014 his request to add two of his children to his FS case based upon the March 14, 2014 Court Stipulation and Order in Case No. [REDACTED] regarding physical custody, physical placement, and child support. MES received a copy of that Court Order on April 10, 2014. The petitioner did contact the Department of Children and Families (DCF) regarding his child care benefits on or about March 26, 2014, but DCF child care workers are not involved in any FS issues. The petitioner was required to contact FS workers at MILES to report his request for a change in his FS benefits. He did not do so until April 2, 2014. Based upon the above, policy, MES correctly increased his FS benefits effective the first of the month following the report month, which is May, 2014. Accordingly, I conclude that Milwaukee Enrollment Services (MES) correctly did not increase the petitioner's FoodShare (FS) benefits until May 1, 2014.

CONCLUSIONS OF LAW

Milwaukee Enrollment Services (MES) correctly did not increase the petitioner's FoodShare (FS) benefits until May 1, 2014 for adding his two children to his FS case.

THEREFORE, it is

ORDERED

The petition for review herein be and the same is hereby Dismissed.

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 9th day of June, 2014

\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
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on June 9, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability