



FH  
[REDACTED]

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

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In the Matter of:

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FTI/156907

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**PRELIMINARY RECITALS**

Pursuant to a petition filed April 14, 2014, under Wis. Stat. § 49.85(4), and Wis. Admin. Code §§ HA 3.03(1), (3), to review a decision by the Brown County Human Services ["County"] in regard to FoodShare benefits ["FS"], a Hearing was held via telephone on May 20, 2014. The Hearing for this matter was held at the same time as the Hearing for the following closely related matter concerning the same petitioner: MTI-156908.

No issue remains for determination.

There appeared at that time via telephone 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: Lisa Pryes, ESS

Diane Van Asten, Fraud Investigator Aide  
Brown County Human Services  
Economic Support-2nd Floor  
111 N. Jefferson St.  
Green Bay, WI 54301

**OTHER PERSON PRESENT:**

[REDACTED], petitioner's mother

ADMINISTRATIVE LAW JUDGE:  
 Sean P. Maloney  
 Division of Hearings and Appeals

### FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Brown County.
2. The County established the following FS overpayment claim against petitioner: Claim Number [REDACTED]; March 9, 2012 to August 31, 2012; 378.00.
3. At the May 20, 2014 Hearing the County and petitioner agreed as follows: the \$378.00 FS overpayment detailed in *Findings of Fact* #2, above, has already been repaid in full via a tax intercept of petitioner's ex-wife. No amount remains owing and there will be no tax intercept of petitioner.

**NOW, THEREFORE, it is**

### ORDERED

That this matter be REMANDED to the County and to the Wisconsin Department of Health Services ["DHS"], and that the County and DHS may NOT conduct a tax intercept of petitioner for the purpose of collecting the following FS overpayment: Claim Number [REDACTED]; March 9, 2012 to August 31, 2012; 378.00. Within 10 days of the date of this *Decision* the County must send a letter to petitioner stating that this *Order* will be complied with.

### **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 4th day of June, 2014

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\sSean P. Maloney  
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 June 4, 2014.

Brown County Human Services  
Public Assistance Collection Unit