



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/157672

PRELIMINARY RECITALS

Pursuant to a petition filed May 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 hearing was held on June 11, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether the Department correctly determined the amount of the petitioner's FS for May 2014.

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, IM Spec.
Milwaukee Enrollment Services
1220 W. Vliet St., Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. The petitioner has an ongoing FS case for a household of nine persons. Her case was due for a periodic renewal/review in April 2014. She performed a telephonic renewal on April 30, 2014.

3. Because some forms of income were not verified during the April 30 renewal, the Department mailed a verification request to the petitioner's correct address of [REDACTED], Milwaukee 53210 on May 1, 2014. The first page of the May 1 request advised the petitioner to submit verification of her VA benefits and a household member's "surviving child" income to the Department by May 12, 2014. *See*, Exhibit 4, Notices.
4. On May 13, 2014, the Department issued written notice to the petitioner advising that her FS were being discontinued effective May 1, for failure to supply income verification. The petitioner supplied the requested verifications on May 16, 2014. On May 19, the Department issued written notice to the petitioner advising that her FS were now opening, but that the May allotment would be prorated (\$181), with benefits issued from May 16 forward. A full (non-prorated) benefit of \$352 was issued for June 2014.

DISCUSSION

An agency may request income verification. *FS Wisconsin Handbook (Handbook)*, §§1.2.4.1- 1.2.4.3, at <http://www.emhandbooks.wisconsin.gov/fsh/fsh.htm>. The agency must give the client at least 10 days (or the balance of the renewal month) to supply requested verification. *Handbook*, §1.2.1.2. The responsibility for supplying verification then rests on the recipient. *Id.*, §1.2.1.3. When requested income verification is not timely received, the agency may correctly deny an application or close a case undergoing review. *Id.*, §1.2.4.1; 7 C.F.R. §273.2(g)(3).

The petitioner admits that she did not return the requested verification until May 16, 2014. She asserts that she was never told of the verification deadline. However, there is no reason to believe that she did not receive the verification request letter dated May 1, 2014. That letter identifies a verification submission deadline of May 12 on the first page. Thus, the petitioner was notified of the deadline, and did not meet it. The Department then correctly prorated her May benefits from the date that the verification was submitted. *Handbook*, § 2.2.1.4.

CONCLUSIONS OF LAW

1. The Department correctly discontinued the petitioner's FS case effective May 1, 2014, for failure to submit all requested verification.
2. The Department correctly reopened the petitioner's FS case effective May 16, 2014, when verification was supplied.

THEREFORE, it is

ORDERED

That the petition is 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 3rd day of July, 2014

\sNancy J. Gagnon
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 July 3, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability