



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FOO/157893

PRELIMINARY RECITALS

Pursuant to a petition filed May 22, 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 July 15, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether the county agency correctly delayed an increase in petitioner's FoodShare allotment because of when she verified a reduction in work hours/income.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



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Respondent:

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

By: Janell Roundtree
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Peter McCombs (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Milwaukee County.
2. On April 11, 2014, petitioner reported via an Employer Verification form that she had income of \$10.00 per hour, working 22 hours semi-monthly.

3. After updating petitioner's case with the income information, the respondent notified petitioner on April 14, 2014, that her FS benefits would be reduced.
4. On May 9, 2014, petitioner's employer submitted verification indicating that the petitioner was working fewer hours. In response, on May 15, 2014, the agency notified petitioner of an increase to her FoodShare allotment, effective June 1, 2014.
5. Petitioner timely appealed the May 15, 2014 notice.

DISCUSSION

The size of a FoodShare allotment depends upon net income and household size. The petitioner properly reported her wages to the agency in April, 2014. The agency, relying upon information provided by the employer, reduced her FoodShare allotment. She contacted the agency on May 2, 2014, seeking an explanation of the reduction, and to state that her income was less than her employer represented to the agency. She then submitted a letter from her employer to support her claim.

FoodShare rules hold: "All reported changes that cause an increase in the FS benefit ...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.; see also 7 CFR § 273.12(c)(1). The county agency determined that the petitioner was not entitled to additional FoodShare until June, 2014, because it did not receive notice and/or verification of the reduced hours until May, 2014.

I note that federal rules make it clear that an increase in the FoodShare allotment can go into effect before the agency receives verification. Those rules require the state agency to "advise the household of additional verification requirements, if any, and state that failure to provide verification shall result in increased benefits reverting to the original allotment." 7 CFR § 273.12(c). However, the petitioner has conceded that she did not call the respondent until May 2, 2014. As such, the report of a change in May, 2014, results in increased benefits as of June, 2014.

CONCLUSIONS OF LAW

The respondent correctly determined a change in petitioner's FS allotment would be effective June 1, 2014, following a change report from petitioner in May, 2014.

NOW, THEREFORE, it is **ORDERED**

That 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.

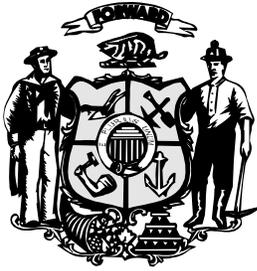
APPEAL TO COURT

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 15th day of August, 2014.

\sPeter McCombs
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 August 15, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability