



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/158021

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**PRELIMINARY RECITALS**

Pursuant to a petition filed May 30, 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 Milwaukee Enrollment Services (the agency) correctly terminated the Petitioner's FoodShare benefits effective June 1, 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, Income Maintenance Specialist Advanced  
Milwaukee Enrollment Services  
1220 W. Vliet St., Room 106  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Mayumi M. Ishii  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On April 14, 2014, the agency sent Petitioner a reminder that he needed to complete a FoodShare renewal by May 31, 2014. (Exhibit 8, pgs. 63-67)

3. On May 19, 2014, the agency sent the Petitioner a notice indicating that his Foodshare benefits would be ending effective June 1, 2014, because he had not completed a renewal and that if he wanted to continue receiving the benefit, he needed to contact the agency before the end of the month. (Exhibit 8, pgs. 68-72)
4. Petitioner did not complete the renewal. (Testimony of Petitioner)
5. Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on May 30, 2014. (Exhibit 1)

### **DISCUSSION**

Most individuals are certified to receive FoodShare benefits for a 12-month period, after which time, the individual must complete a renewal / review. *FoodShare Wisconsin Handbook (FSH) §2.2.1*; 7 CFR 273.14(a) and 7 CFR 283.10(f).

There are several steps to completing a recertification (review) for FS cases:

1. Notification must be sent to the recipient informing him/her that the certification period is ending and an interview ([2.1.3](#)) must be conducted if benefits are to continue.
2. An interview must be conducted and the recipient must be notified of verifications required to determine continued eligibility for the program.
3. Certain information gathered at the interview must be verified ([1.2.1](#)).
4. Benefit eligibility must be confirmed in CARES ([2.1.9](#)) in order for the review or recertification to be considered complete.

FSH §2.2.1.3; 7 CFR 273.14(b)

The FoodShare case will close, if recertification is not completed, including confirmation/verification. FSH §2.2.1.4

In the case at hand, the agency sent Petitioner notification that he needed to complete a renewal by May 31, 2014 and in that notice the agency also advised the Petitioner that he needed to complete an interview as part of the renewal process. (Exhibit 8, pg. 63)

It is undisputed that the Petitioner did not contact the agency to complete a renewal or to complete an interview. As such, the agency correctly terminated Petitioner's Foodshare benefits.

### **CONCLUSIONS OF LAW**

The agency correctly terminated Petitioner's benefits effective June 1, 2014.

**THEREFORE, it is**

**ORDERED**

That the petition 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 Health Services. 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: 1 West Wilson Street, Room 651, 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 10th day of July, 2014

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\sMayumi M. Ishii  
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 July 10, 2014.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability