



FH

[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/158483

PRELIMINARY RECITALS

Pursuant to a petition filed June 23, 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 scheduled for August 13, 2014, at Milwaukee, Wisconsin, but was not held for the following reasons.

No issue remains for determination:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By:

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

ADMINISTRATIVE LAW JUDGE:

Corinne Balter
Division of Hearings and Appeals

Petitioner originally filed this appeal contesting a reduction in his monthly FoodShare (FS) benefits. The hearing was first scheduled for July 10, 2014. Petitioner did not appear for the hearing, and his appeal was dismissed based upon his nonappearance. The decision dismissing his appeal was mailed to him. On July 18, 2014 Petitioner requested a rehearing because he never received notice of the hearing. The rehearing was granted and new hearing was scheduled for August 13, 2014 at 10:00 a.m. On July 31, 2014 the Division of Hearings and Appeals received a letter from Petitioner's aunt stating that Petitioner was incarcerated at the [REDACTED]. The letter stated that he went into custody on July 21, 2014 and she expected for him to remain in custody until the end of October. She requested that the August 13, 2014 hearing be cancelled. Following the letter, Petitioner's aunt called me to explain the information in her letter. I also reviewed the inmate locator site, which states that Petitioner is incarcerated at the [REDACTED] in [REDACTED]. This leaves no issue for determination as Petitioner will no longer be

eligible for FS benefits in custody. Petitioner could be eligible upon his release and can reapply at that time.

CONCLUSIONS OF LAW

That no issue remains for determination by the Division of Hearings and Appeals.

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

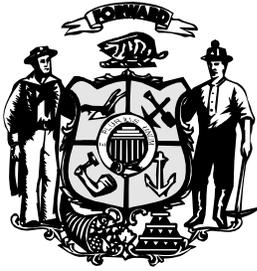
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

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 8th day of August, 2014

\sCorinne Balter
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 8, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability