



STATE OF WISCONSIN  
Division of Hearings and Appeals

---

In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/158673

---

**PRELIMINARY RECITALS**

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

There is no longer any issue for the Division of Hearings and Appeals to resolve.

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: Pang Thao-Xiong, Income Maintenance 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 March 10, 2014, the agency sent the Petitioner a notice to remind him that he needed to complete a Foodshare renewal by April 30, 2014. (Exhibit 3, pgs. 26-29)
3. On March 26, 2014, the agency received returned mail. The agency attempted to contact the Petitioner by phone, but the number was disconnected. (Exhibit 3, pg. 7)

4. On April 10, 2014 and April 16, 2014, the agency again received returned mail. (Id.)
5. On April 18, 2014, the agency sent the Petitioner a notice indicating that his benefits would be ending effective May 1, 2014, because he had not completed his renewal. The notice further indicated that he needed to contact the agency by the end of the month, if he wanted to continue receiving benefits (Exhibit 3, pgs. 30-33)
6. On May 1, 2014, the agency received returned mail. (Exhibit 3, pg. 7)
7. The Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on June 30, 2014. (Exhibit 1)
8. On July 1, 2014, the agency sent Petitioner a notice indicating that his benefits were restored effective July 1, 2014 forward. (Exhibit 3, pgs. 34-38)
9. On July 3, 2014, the Petitioner spoke to a Human Services Program Coordinator (HSPC), who discovered that a note was made in the Petitioner's file back on April 7, 2011, indicating that the Petitioner needs assistance from the agency to complete his renewals because he is visually impaired and does not have help to read his mail. (Exhibit 3, pg. 7 and 11)
10. On July 3, 2014, the agency issued a supplement for May 2014 and June 2014 benefits. (Exhibit 2 and Exhibit 3, pg. 7)

### **DISCUSSION**

At the hearing, the Petitioner indicated that he filed an appeal, because he wanted benefits restored for April, May, June and July 2014. The record shows that the agency has paid the Petitioner those benefits.

Petitioner's benefits were not cut off in April 2014 and he received his \$15.00 benefit on April 14, 2014. On June 30, 2014, the agency issued Petitioner's \$15.00 benefit for July 2014. Then, on July 3, 2014, the agency issued a \$30.00 supplement for the May and June benefits. (See Exhibit 2 - Food Stamp Issuance History – Disbursement chart)

Because the Petitioner has received the benefits for which he asked, there is no longer any issue for the Division of Hearings and Appeals to resolve.

### **CONCLUSIONS OF LAW**

There is no longer any issue concerning the Petitioner's FoodShare benefits, for the Division of Hearings and Appeals to resolve.

**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 13th day of August, 2014.

---

\sMayumi M. Ishii  
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](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on August 13, 2014.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability