



FH
[REDACTED]

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

In the Matter of:

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/159685

PRELIMINARY RECITALS

Pursuant to a petition filed August 6, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the La Crosse County Department of Human Services ["County"] regard to FoodShare benefits ["FS"], a Hearing was held via telephone on September 30, 2014. At petitioner's request a Hearing scheduled for September 3, 2014 was rescheduled.

The issue for determination is whether it was correct to apply the entire amount of petitioner's \$332 FS supplement to a prior outstanding FS overpayment.

There appeared at that time via telephone 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: Tom Miller, ESS

La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of La Crosse County, Wisconsin.
2. On July 23, 2014 petitioner contacted the County to report that his employment had ended; this resulted in an increase in his August FS from \$15 to \$347.
3. Petitioner's August FS in the amount of \$15 had already been issued when he contacted the County on July 23, 2014.
4. The County issued an FS supplement to petitioner in the amount of \$332.
5. Petitioner has prior outstanding FS overpayments: Claim #'s [REDACTED]; [REDACTED]; and, [REDACTED].
6. By a *Supplemental Aid to Families and/or Foodshare* notice dated July 24, 2014 petitioner was notified that the entire amount of his \$332 FS supplement would be applied to his prior outstanding FS overpayment.

DISCUSSION

All FS overpayments, regardless of fault, must be collected. 7 C.F.R. § 273.18(b) (2011); *FoodShare Wisconsin Handbook* ["FWH"] 7.3.1.1 & 7.3.1.2. If there is an outstanding claim against an FS group, any FS supplement must be offset against that claim. 7 C.F.R. §§ 273.17(d)(4) & 18(g)(3) (2011); FWH 7.4.1.2. Thus, it was correct to apply the entire amount of petitioner's \$332 FS supplement to a prior outstanding FS overpayment.

Petitioner argues that the offset left him without the ability to purchase food for himself and his daughter. This is unfortunate, but it does not change the requirements of law and policy as detailed above.

CONCLUSIONS OF LAW

For the reason discussed above, it was correct to apply the entire amount of petitioner's \$332 FS supplement to a prior outstanding FS overpayment.

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 6th day of October, 2014

\sSean P. Maloney
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 October 6, 2014.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability