



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/160472

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 10, 2014, under Wis. Admin. Code, §HA 3.03(1), to review a decision by Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on October 1, 2014, by telephone.

The issue for determination is whether the agency correctly determined petitioner's FS when it reopened her case after mistakenly discontinuing FS.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: Katherine May  
Milwaukee Enrollment Services  
1220 W. Vliet Street  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner received \$105 FS in July, 2014 for a one-person household. She was scheduled to complete a review by the end of July, which she did. The agency mistakenly closed FS effective August 1 based on failure to complete the review.

3. After petitioner filed this appeal the mistake was discovered. However, when reviewing the case the agency representative discovered that the wrong unemployment compensation (UC) was being budgeted: \$148 weekly instead of \$296.
4. When the agency reopened the FS retroactive to August 1, it issued \$15 based upon the higher income amount. The agency issued \$15 FS for August and September, and then \$16 for October because cost of living increases take effect in October.
5. Petitioner's UC is expected to end later in October, 2014.

### DISCUSSION

Petitioner originally appealed the discontinuance of FS, which the agency now acknowledges was incorrect. When the agency reopened the FS it discovered that petitioner's UC income was higher than previously budgeted, so it inserted the correct amount. I have reviewed the calculations for August through October, and I find that they are correct.

Petitioner reported that the UC is expected to end later in October. Because the agency cannot assume that will happen, petitioner should report the change when she gets official notice, and she can provide the notice as verification. The lower income should result in higher FS for November.

### CONCLUSIONS OF LAW

The agency correctly determined petitioner's FS amounts for August through October, 2014 based upon her correct UC income in those months.

**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 3rd day of October, 2014

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\sBrian C. Schneider  
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 October 3, 2014.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability