



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/161026

PRELIMINARY RECITALS

Pursuant to a petition filed October 03, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Rock County Department of Social Services in regard to FoodShare benefits (FS), a hearing was held on November 10, 2014, at Janesville, Wisconsin.

The issue for determination is

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: Melissa Genz

Rock County Department of Social Services
1900 Center Avenue
PO Box 1649
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County.
2. On 8/11/14, the agency sent petitioner a notice to remind her that her renewal and interview were required before October 1, 2014 to continue the FS.
3. Petitioner did not respond.

4. On 9/17/14 the agency issued a Notice to petitioner stating that she needed to contact the agency as soon as possible to complete the renewal. The notice warned that FS was going to close on 10/1/14 because she had not completed her renewal.
5. All notices were sent to the petitioner's address of record.
6. A final termination notice was sent on 9/30/14.
7. Petitioner did not respond to any of these.
8. Petitioner's FS was terminated on 10/1/14.
9. Petitioner appealed.

DISCUSSION

FoodShare (FS) is a joint federal-state program which is designed to improve the health of lower-income persons by enhancing their access to food. FS benefits are based on household size and a budget that takes account of income and certain expenses. Benefits are generally certified for twelve months at a time, with a face-to-face review being conducted prior to a new twelve-month certification period, 7 CFR §273.14. Upon request, the face-to-face review can be held by telephone interview with mail submission of required documentation.

On 8/11/14, the agency sent her the requisite notice to remind her that her renewal and interview were required before October 1, 2014 to continue the FS. See, 7 CFR §273.14(b). Petitioner did not respond. On 9/17/14 the agency issued a Notice to petitioner stating that she needed to contact the agency as soon as possible to complete the renewal. See 7 CFR §273.14(b)(3). The notice warned that FS was going to close on 10/1/14 because she had not completed her renewal. All notices were sent to the petitioner's address of record. A final termination notice was sent on 9/30/14. Petitioner did not respond to any of these.

Petitioner argued that her information had not changed so she did not think she needed to do anything. This belief is in plain contradiction to the stated notices and warnings. At the very least, petitioner should have contacted her agency after all the repeated warnings.

CONCLUSIONS OF LAW

The Department did not err in its termination of FS due to petitioner's failure to respond to the renewal requirement.

THEREFORE, it is

ORDERED

The petition for review is 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 11th day of November, 2014

\sJohn P. Tedesco
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 November 11, 2014.

Rock County Department of Social Services
Division of Health Care Access and Accountability