



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redacted case name

DECISION

FOO/162089

PRELIMINARY RECITALS

Pursuant to a petition filed November 18, 2014, under Wis. Admin. Code, §HA 3.03(1), to review a decision by Milwaukee Enrollment Services to deny FoodShare benefits (FS), a hearing was held on December 9, 2014, by telephone.

The issue for determination is whether petitioner failed to verify income.

PARTIES IN INTEREST:

Petitioner:

Redacted petitioner name

Respondent:

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

By: Redacted
Milwaukee Enrollment Services
1220 W. Vliet St.
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 had a fair hearing in March, 2014 concerning the BadgerCare Plus (BC+) program for adults who do not care for minor children. In the fair hearing decision, case no. BCS-156174, the agency was ordered to use petitioner's 2013 income, divided by twelve, for petitioner's monthly income because her income fluctuated. Petitioner's 2013 income was \$13,876, or \$1,156.33 per month.

3. On October 21, 2014, petitioner filed a review for BC+ and FoodShare for a two person-household that included her adult daughter; the review had been due by the end of September and was late. The agency requested verification from the two listed employers. Petitioner provided the requested verification from **Redact** (her daughter's employer), but **Redact** sent back a form saying only that petitioner's hours vary. The agency worker noted that according to state wage records, petitioner's income in the first three quarters of 2014 from that employer totaled almost \$12,000, so the worker then requested that petitioner provide her most recent pay stubs from the employer. Petitioner was given until November 7 to provide the pay stubs.
4. Petitioner did not provide the pay stubs from **Redact**. By a notice dated November 10, 2014, the agency informed petitioner that FS were denied because petitioner did not verify her income.

DISCUSSION

An FS applicant/recipient is required to verify information that can affect eligibility. 7 C.F.R. §273.2(f). If the household fails to verify required information by the time limit, the agency may deny the benefits. 7 C.F.R. §273.14(g)(3); FS Handbook, Appendix 1.2.1.2. The agency should assist the applicant if she requests assistance. FS Handbook, App. 1.2.1.3. If sources of verification are unavailable, the agency should use the best information available. Id.

Petitioner acknowledged that she did not provide her pay stubs to the agency because she did not trust that the agency would handle the processing correctly. However, the agency had reason to request the more recent pay stubs because it appeared that petitioner's income increased since 2013. Because petitioner did not provide the requested verification, the agency correctly denied the FS application.

Petitioner brought her pay stubs to the hearing. She should work with the agency to process another application for FS.

CONCLUSIONS OF LAW

The agency correctly denied petitioner's FS application because she did not verify her income.

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 18th day of December, 2014

\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 December 18, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability