



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FOO/161525

PRELIMINARY RECITALS

Pursuant to a petition filed October 24, 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 December 16, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether the agency properly terminated the Petitioner’s FS benefits for the period of October 1 – 14, 2014 due to a failure to complete the FS renewal.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Jose Sylvestre
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [redacted]) is a resident of Milwaukee County.
2. On March 21, 2014, the Petitioner completed a Six Month Report Form (SMRF). She reported an address on [redacted]

3. On March 24, 2014, the agency issued a Notice of Decision to the Petitioner informing her that she would continue to receive FS benefits. It also informed the Petitioner that she is required to report to the agency any change of address within 10 days of the change.
4. Petitioner moved to a new address in July, 2014.
5. On August 11, 2014, the agency issued a reminder to the Petitioner at her address on [REDACTED] that her renewal needed to be completed by September 30, 2014. The notice was not returned to the agency as undeliverable mail or with a forwarding address for the Petitioner.
6. On September 17, 2014, the agency issued a Notice of Decision to the Petitioner at her address on [REDACTED] informing her that her FS benefits would end effective October 1, 2014 due to a failure to complete the renewal. It also informed her that she could complete the renewal before October 1, 2014. The notice was noted returned to the agency as undeliverable mail or with a forwarding address for the Petitioner.
7. On October 15, 2014, the Petitioner contacted the agency and reported a new address. She completed the renewal.
8. On October 20, 2014, the agency issued a Notice of Decision informing the Petitioner that she would receive FS benefits of \$163 for the period of October 15 – 31, 2014 and would receive \$299/month effective November 1, 2014.
9. On October 24, 2014, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

Changes in address must be reported to the agency within 10 days of the date of the change. FoodShare Handbook (FSH), § 6.1.1.1.

A FS case will close effective the last day of the review month if a renewal is not completed by the end of the month. If a case closes for failure to complete a renewal but the renewal is completed within the calendar month following the certification period, the agency shall reopen FS and prorate benefits from the date the renewal was completed. FSH 2.2.1.4.

In this case, the Petitioner did not dispute the amount of the FS allocation. She did not dispute that her renewal was not completed by September 30, 2014. She also did not dispute that she did not report her new address to the agency until October 15, 2014 though she had moved in July. She testified that she supplied a forwarding address to the US post office and believed that it would forward all of her mail. She testified that she did not receive the agency notices regarding her renewal.

It is the responsibility of recipients to report changes of address to the agency. It is also the responsibility of recipients to complete renewals in a timely manner. The failure to report the new address resulted in the Petitioner not receiving notices regarding her renewal and not completing it by the due date. The agency properly ended the Petitioner's FS benefits on October 1, 2014 and properly re-opened the Petitioner's case on October 15, 2014 when her renewal was completed, with pro-rated benefits for the period of October 15 – 31, 2014.

CONCLUSIONS OF LAW

The agency properly terminated the Petitioner's FS benefits for the period of October 1 – 14, 2014 due to failure to complete a FS renewal.

THEREFORE, it is

ORDERED

That the Petitioner's appeal 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 Milwaukee,
Wisconsin, this 13th day of January, 2015

\sDebra Bursinger
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 January 13, 2015.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability