



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redacted case name

DECISION

FOO/162157

PRELIMINARY RECITALS

Pursuant to a petition filed November 20, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the La Crosse County Department of Human Services in regard to FoodShare benefits (FS), a telephone hearing was held on December 17, 2014.

The issue for determination is whether the respondent correctly denied petitioner's FS application due to her failure to provide required verification information.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

Redacted petitioner name

Respondent:

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

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

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # Redacted) is a resident of Trempealeau County.
2. The petitioner applied via ACCESS for FS on September 30, 2014. An interview was completed on October 15, 2014. On October 16, 2014, The respondent issued a written verification request

to the petitioner, asking for verification of income and school enrollment status. The verification was due back by October 30, 2014. Exhibits 5. No verification was received by that deadline.

3. On October 31, 2014, the respondent issued written notice to the petitioner advising that hwe FS application was denied. The basis for discontinuance was failure to supply requested verification. Exhibit 6. The petitioner did submit employment information and school enrollment documentation on December 12, 2014 to this office. Exhibit 2.

DISCUSSION

An agency may request verification of employment/income, identity, and student status. *FS Wisconsin Handbook (Handbook)*, §§1.2.4.1 – 1.2.5, online at <http://www.emhandbooks.wi.gov/fsh/>. The agency must give the client at least 10 days to supply requested verification. *Handbook*, §1.2.1.1. The responsibility for supplying verification then rests on the recipient. *Id.*, §1.2.1.3. However, if the client promptly advises the agency that s/he cannot obtain the verification, the responsibility for obtaining verification shifts to the agency.

The petitioner argued that she tried to get information from her previous employer for two weeks, but was unsuccessful. There is no indication that her inability to receive said information prior to the verification deadline was ever communicated to the respondent. She also testified that she believes that her school enrollment information may have been inadvertently submitted to Unemployment Compensation. Again, there is no indication that this was communicated to the respondent prior to hearing, or that it was subsequently provided to the respondent when the error was discovered. The respondent testified that it did not receive any verification information prior to hearing.

In this case, the petitioner did not timely supply the requested verification. Thus, the agency's discontinuance of the FS case was proper.

CONCLUSIONS OF LAW

The agency correctly denied the petitioner's FS effective September 30, 2014, for failure to verify household income and student status.

THEREFORE, it is

ORDERED

That the petition be 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 14th day of January, 2015.

\sPeter McCombs
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 January 14, 2015.

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