



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of:

Redact

DECISION

FOO/162422

PRELIMINARY RECITALS

Pursuant to a petition filed December 5, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Wood County Human Services - WI Rapids ["County"] in regard to FoodShare benefits ["FS"], a Hearing was held via telephone on December 23, 2014.

The issue for determination is whether petitioner is entitled to Wisconsin FS for the month of November 2014.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

Redact

Respondent:

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

BY: Redact, Resolution Coordinator
Wood County Human Services - WI Rapids
320 West Grand Avenue
PO Box 8095
Wisconsin Rapids, WI 54495-8095

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # Redact) was a resident of Wisconsin.

2. Petitioner lived in Wisconsin and was receiving FS from Wisconsin.
3. On or about December 1, 2014 petitioner moved to Ohio; she reported this move to the County on December 3, 2014.
4. On October 11, 2014 the County received an erroneous report via computer that petitioner had moved to Ohio; this caused the County to end petitioner's FS effective November 1, 2014.

DISCUSSION

A person must live in Wisconsin in order to receive FS in Wisconsin. 7 C.F.R. § 273.3(a) (2011); *FoodShare Wisconsin Handbook* ["FWH"] 3.2.1. In this a case, petitioner testified credibly that the report the County received via computer on October 1, 2014 was not correct. She testified credibly that that report was submitted by the person she had been living with who kicked her out of the house and that she lived in hotels in Wisconsin during November 2014 before she moved to Ohio. It follows that petitioner is entitled to Wisconsin FS for the month of November 2014.

CONCLUSIONS OF LAW

For the reasons explained above, petitioner is entitled to Wisconsin FS for the month of November 2014.

THEREFORE, it is

ORDERED

That this matter be REMANDED to the County and that, within 10 days of the date of this *Decision*, the County issue FS to petitioner for the month of November 2014.

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 21st day of January, 2015

\sSean P. Maloney
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on January 21, 2015.

Wood County Human Services - WI Rapids
Division of Health Care Access and Accountability