



2. On January 6, 2015 the agency issued a notice to petitioner's address of record stating that the household's FS would close effective February 1, 2015 as the petitioner had passed away, she had been the person who applied for the FS, and to keep getting the FS benefit someone else in the home would have to apply for it.

### DISCUSSION

The FoodShare application process includes:

1. Submitting an application by:
  - a. submitting a signed Request For Assistance (RFA) following the client registration process,
  - b. submitting an FS request with at least the minimum information required (name, address, and signature) using the FS registration or application forms ( [F-16019A](#) or [F-16019B](#) ),
  - c. completing an [ACCESS](#) application with an electronic signature, **or**
  - d. completing a request over the phone using a telephonic signature ([2.1.4.4.1](#)).
2. Completing a face to face or telephone interview. ([2.1.3.5](#)),
3. Verifying certain information ([1.2.1](#)),
4. Resolving any identified Error Prone Profiles (EPPs) ([Process Help 70](#))
5. Confirming the [FS](#) eligibility determination in CARES ([2.1.7](#)).

See *FoodShare Wisconsin Handbook (FSH)* §2.1.1.2, available online at <http://www.emhandbooks.wisconsin.gov/fsh/fsh.htm>.

Once an FS application is approved, the household is generally certified for a period of 12 months. *FSH*, §2.2.1. No FS household may participate beyond the expiration of the FS certification period without a determination of eligibility for a new period. *Id*; see also 7 C.F.R. § 273.14(a). As part of the review process, the recipient must sign the review form, attesting to the truth of the information that he has provided.

In order to complete the determination of eligibility process –whether at application or review - an FS household must sign and return the FS statement which certifies under the penalty of perjury the truth of the information contained in the application. See 7 C.F.R. §§273.2(b)(1)(iii) and 273.14(b)(2). Because the application in this matter was completed by the petitioner, who is now deceased, she can no longer attest to the accuracy of the information required for the application or review. The agency must receive a new application from another adult household member attesting to the truth of the information and agreeing to the responsibilities for receiving FS.

The petitioner stated at hearing that he did reapply for FS. If he is aggrieved by the agency's decision on that application, he may file a new appeal. However, based on the information at hearing, the agency correctly sought closure of the petitioner's FS case after she passed away.

### CONCLUSIONS OF LAW

The agency correctly closed petitioner's FS case effective February 1, 2015 after she passed away.

**THEREFORE, it is**

**ORDERED**

The petition for review herein 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 11th day of March, 2015

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\sKelly Cochrane  
Administrative Law Judge  
Division of Hearings and Appeals



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The preceding decision was sent to the following parties on March 11, 2015.

Kenosha County Human Service Department  
Division of Health Care Access and Accountability