



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
Redact

DECISION

FOO/164753

PRELIMINARY RECITALS

Pursuant to a petition filed March 20, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Wood County Human Services - WI Rapids in regard to FoodShare benefits (FS), a hearing was held on April 13, 2015, at Ashland, Wisconsin.

The issue for determination is whether the agency correctly ended the petitioner's FoodShare because he failed to verify his ownership in a corporation.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
Redact

Respondent:

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

By: [Redacted]
Wood County Human Services - WI Rapids
320 West Grand Avenue
PO Box 8095
Wisconsin Rapids, WI 54495-8095

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. The petitioner (CARES # [Redacted]) is a resident of Ashland County.
2. The petitioner completed his FoodShare renewal on December 22, 2014.

3. The agency requested that he verify his assets, including those in a corporation, by January 20, 2015.
4. The petitioner has provided all of the information requested of him, but the agency needs more information to determine his eligibility.

DISCUSSION

FoodShare applicants must verify information the agency needs to determine their eligibility. 7 CFR § 273.2(f). Agencies must give applicants the later of 10 days from the request or 30 days from the date of application to provide the information. Agencies must deny benefits to those who fail to verify information 7 CFR § 273.2(c)(5); *FoodShare Wisconsin Handbook*, § 1.2.1.2. The agency denied the petitioner's application because it contends that he did not verify information about a corporation he has an interest in. At the hearing, it became clear that the agency did not understand the difference between a C and an S Corporation, which led to confusing requests. It also became clear that the petitioner provided what was requested of him, although that was not sufficient to determine his eligibility. The parties agreed that the agency would review additional information the petitioner submitted. However, because the petitioner's FoodShare case has already closed, the agency cannot restore benefits without being ordered to do so. I will order the agency to review any information the petitioner submits and redetermine his eligibility retroactive to January 1, 2015. If he disagrees with its new determination, he may file another appeal. All of this depends upon his cooperation in providing the agency whatever information it needs.

I am extending the time the agency has to comply with a remand order from 10 to 20 days to account for the additional verification it must gather.

CONCLUSIONS OF LAW

The petitioner adequately verified all financial information requested of him by the county agency.

THEREFORE, it is

ORDERED

That this matter is remanded with instructions that within 20 days of the date of this decision the agency redetermine the petitioner's FoodShare benefits retroactive to January 1, 2015, and issue any supplemental allotment he is entitled to. If the petitioner disagrees with the agency's decision, he may file a new appeal.

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 April, 2015

\sMichael D. O'Brien
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 April 14, 2015.

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