



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of:

[Redacted]
Redact
[Redacted]

DECISION

FOP/165797

PRELIMINARY RECITALS

Pursuant to a petition filed April 29, 2015, under Wis. Admin. Code § HA 3.03, to review a decision by the Milwaukee Enrollment Services ["MiLES"] in regard to FoodShare benefits ["FS"], a Hearing was held via telephone on May 19, 2015.

The issue for determination is whether it was correct to establish the following Claim against petitioner for an overpayment of FS: Claim Number [Redacted] for the time period August 1, 2012 to May 31, 2013 in the amount of \$3,024.00 with an outstanding balance of \$3,017.54.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
Redact
[Redacted]

Respondent:

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

BY: [Redacted], Income Maintenance ["IM"] Advanced
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]; 21 years old) is a resident of Milwaukee County, Wisconsin.

2. MiLES established the following Claim against petitioner for an overpayment of FS: : Claim Number Redact for the time period August 1, 2012 to May 31, 2013 in the amount of \$3,024.00 with an outstanding balance of \$3,017.54.
3. On or about January 13, 2014 petitioner requested a Hearing concerning the FS overpayment detailed in *Findings of Fact #2*, above; a Hearing was scheduled for February 19, 2014; petitioner did not appear for that February 19, 2014 Hearing; a *Decision* dated February 20, 2014 was issued dismissing petitioner's petition as abandoned. See, DHA Case No. FOP-154829 (Wis. Div. Hearings & Appeals February 20, 2014) (DHS).

DISCUSSION

The *Decision* issued by the Division of Hearings and Appeals ["DHA"] on February 20, 2014 in Case No. FOP-154829 was the final decision concerning the FS overpayment detailed in *Findings of Fact #2*, above. Wis. Admin. Code § HA 3.09(9)(a) (February 2013). Final administrative action was taken when that February 20, 2014 *Decision* was mailed by DHA to petitioner. Wis. Admin. Code § HA 3.09(12) (February 2013). Petitioner had an opportunity have DHA address the merits of the FS overpayment in the context of that February 20, 2014 *Decision*. Petitioner is not entitled to a second such opportunity.

CONCLUSIONS OF LAW

For the reasons discussed above, petitioner is not entitled to a second opportunity to have DHA address the merits of the FS overpayment detailed in *Findings of Fact #2*, above.

NOW, THEREFORE, it is

ORDERED

that the petition for review herein be and the same is hereby 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 26th day of May, 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 May 26, 2015.

Milwaukee Enrollment Services
Public Assistance Collection Unit
Division of Health Care Access and Accountability