



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Re...
Redact
Redact

DECISION

FOP/166215

PRELIMINARY RECITALS

Pursuant to a petition filed May 21, 2015, under Wis. Admin. Code §HA 3.03, to review a decision by the Public Assistance Collection Unit in regard to FoodShare benefits (FS), a telephonic hearing was held on June 16, 2015, at Green Bay, Wisconsin.

The issue for determination is whether there is any remaining issue in dispute regarding the Department's withdrawal and removal of any liability of the petitioner for FoodShare (FS) overpayments totaling \$6,029.82 against the petitioner's husband, Redact Redact.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

Re...
Redact
Redact

Respondent:

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

By: Redact Redact, trafficking agent
Office of the Inspector General (OIG)
Public Assistance Collection Unit
P.O. Box 8939
Madison, WI 53708-8938

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # Redact) is a resident of Brown County.
2. The petitioner's husband is Redact Redact.

3. The Department sent four FoodShare (FS) overpayment notices to the petitioner and her husband regarding trafficking and misuse of FS benefits by Mr. [Redact] totaling \$6,029.82. The four FS claims against petitioner and her husband are the following: a) # [Redact] - \$954.95; b) # [Redact] - \$607.79; c) # [Redact] - \$2,505.12; and d) # [Redact] - \$1,961.96.
4. During the June 16, 2015 hearing for the petitioner, OIG representative, [Redact] verbally stipulated to the removal of petitioner as a liable individual in the FS overpayments against her husband, but the Department is continuing to seek recovery of the FS overpayment against her husband.
5. In her June 16, 2016 written stipulation (after the hearing), Ms. [Redact] stated: "The state stipulates that Ms. [Redact] is not responsible for the following overpayments and will be removed as a liable individual as soon as it receives your decision in Claims [Redact] [Redact] [Redact] [Redact]. The IPV and claims are a result of Mr. [Redact]'s misuse of FoodShare benefits. The state is not pursuing Ms. [Redact] for an IPV."

CONCLUSIONS OF LAW

There is no longer any remaining issue in dispute regarding the Department's FoodShare (FS) overpayments totaling \$6,029.82 against the petitioner, because the Department has withdrawn its total FS action against the petitioner, as stated in Finding of Fact #5 above.

THEREFORE, it is

ORDERED

The matter is remanded to the Department with instructions to take any necessary administrative action to remove and rescind the FS overpayments against the petitioner, Layla [Redact], as stated in Finding of Fact #5 above, within 10 days of the date of this Decision.

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 17th day of June, 2015

\sGary M. Wolkstein
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on June 17, 2015.

Public Assistance Collection Unit
Public Assistance Collection Unit
Division of Health Care Access and Accountability