



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FTI/166556

PRELIMINARY RECITALS

Pursuant to a petition filed June 09, 2015, under Wis. Stat. § 49.85(4), and Wis. Admin. Code §§ HA 3.03(1), (3), to review a decision by the Calumet County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on July 07, 2015, at Chilton, Wisconsin.

There is no longer any issue for determination by the Division of Hearings and Appeals.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Lynn Brenner, Economic Support Manager
Calumet County Department of Human Services
206 Court Street
Chilton, WI 53014-1198

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

DISCUSSION

The Petitioner filed an appeal of a June 12, 2015 notice of state tax intercept, that indicated the Public Assistance Collections Unit would be intercepting Petitioner's state tax refunds to satisfy a \$1,040.00 balance on a FoodShare overpayment claim. The claim number related to that debt was claim [REDACTED], issued on February 5, 2015. (This should not be confused with Claim Number [REDACTED], which was the subject for hearing in case FOP-166571)

At the hearing on July 7, 2015, the agency conceded that the Public Assistance Collections Unit incorrectly issued the notice of tax intercept, because it had not yet issued three dunning notices to the Petitioner. The agency agreed that the June 12th notice must be rescinded. Consequently, there is no longer any issue for determination by the Division of Hearings and Appeals, concerning the tax intercept. If I have misunderstood the situation, the Petitioner is directed to the rehearing instructions, below.

Petitioner should note that if the Public Assistance Unit issues a new notice of tax intercept, she may file a NEW appeal.

CONCLUSIONS OF LAW

There is no longer any issue for determination by the Division of Hearings and Appeals concerning the June 12, 2015 notice of tax intercept.

THEREFORE, it is **ORDERED**

That within ten days of this decision, the agency rescind the June 12, 2015 notice of tax intercept.

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 8th day of July, 2015

\sMayumi M. Ishii
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 July 8, 2015.

Calumet County Department of Human Services
Public Assistance Collection Unit