



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/166917

PRELIMINARY RECITALS

Pursuant to a petition filed June 26, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a telephonic hearing was held on August 13, 2015.

The issue for determination is whether the agency correctly processed petitioner's application for FS.

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: Simone Johnson, HSPC, Sr.
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Kelly Cochrane
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner applied for FS on March 3, 2014.
3. No notice of decision was issued with respect to petitioner's eligibility for FS.

DISCUSSION

The application process for FS must be completed within 30 days of the initial filing date, unless the applicant is eligible for expedited services. 7 CFR §273.2(g) and see *FS Handbook (Version 14-01; in effect at time of application)*, §2.1.2.1, which is available online at <https://www.dhs.wisconsin.gov/publications/p1/p16001-14-01.pdf>.

In this case, this timeline was not met. Petitioner applied on March 3, 2014, and as of the date of the hearing, still had received no notice as to her eligibility for FS based on that application. I cannot find that the agency processed this application according to law and policy, and so am ordering it to do so immediately. If the agency needs verification, I am building in time to the order so that they can request any verification necessary.

CONCLUSIONS OF LAW

The agency did not correctly process petitioner's application for FS made on March 3, 2014.

THEREFORE, it is

ORDERED

That the matter be remanded to the county agency with the following instructions: (1) redetermine petitioner's FS eligibility effective with her March 3, 2014 application, (2) issue any FS benefits accordingly, and (3) issue a notice of decision regarding same. These actions shall be taken within 10 days of the date of this decision. If the agency requires verification in order to process the application, it shall provide a written request to the petitioner and give her 10 days to provide that information to the agency. In the event verification is required, I am adding 20 days to the deadline for which the agency must process the application.

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 27th day of August, 2015

\sKelly Cochrane
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on August 27, 2015.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability