



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FOO/167983

PRELIMINARY RECITALS

Pursuant to a petition filed August 13, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Eau Claire County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on September 22, 2015, at Eau Claire, Wisconsin. The record was left open for 14 days at the petitioner's request.

The issue for determination is whether the petitioner remains eligible for medical assistance.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By:

Eau Claire County Department of Human Services
721 Oxford Avenue
PO Box 840
Eau Claire, WI 54702-0840

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES #) is a resident of Eau Claire County.
2. The agency indicated that it was closing the petitioner's case as of August 31, 2015, because it lost contact with her.

3. The petitioner provided a proper address to the agency. The loss of contact was not her fault.
4. The agency has since reinstated her benefits.
5. The agency now seeks to obtain verification of the petitioner's employment . It did not submit any exhibits before or at the hearing documenting its request for this information.

DISCUSSION

The FoodShare agency closed the petitioner's FoodShare benefits on August 31, 2015, because it lost contact with her. The closure occurred because of an error in her address that was not her fault. The agency indicated that it then reopened her benefits retroactive to the date they ended. It also indicates that needs verification of two jobs the petitioner has held. The record was left open for 14 days for the parties to provide me this information, but I have not received it. Nevertheless, I will not end the petitioner's benefits because the agency did not provide any documentation of this request before or at the hearing. Instead, I will order the agency to certify that it has continued the petitioner's benefits. If the agency wishes to end her benefits because of lack of verification, it will have to bring a new action and present adequate evidence if the matter comes before the Division of Hearings and Appeals again.

CONCLUSIONS OF LAW

The petitioner remains eligible for FoodShare benefits.

THEREFORE, it is

ORDERED

That this matter is remanded to the county agency with instructions that within 10 days of the date of this decision it certify that it has continued the petitioner's FoodShare benefits without a lapse retroactive to August 31, 2105. Nothing in this order prevents the agency from requesting additional verification from the petitioner and bringing a new action to end her benefits if she does not provide that information.

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.

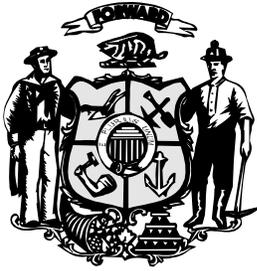
APPEAL TO COURT

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 8th day of October, 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 October 8, 2015.

Eau Claire County Department of Human Services
Division of Health Care Access and Accountability