



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FOO/168647

PRELIMINARY RECITALS

Pursuant to a petition filed September 09, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Sheboygan County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on October 13, 2015, at Sheboygan, Wisconsin.

The issue for determination is whether the county agency correctly discontinued Petitioner’s FoodShare for failing to provide requested verification after expedited FoodShare were issued.

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: Kris Schmidt

Sheboygan County Department of Human Services
3620 Wilgus Ave
Sheboygan, WI 53081

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Sheboygan County.
2. Petitioner applied for FoodShare on or about June 19, 2015. She indicated at application that she needed expedited food assistance. Expedited benefits were issued as of July 7, 2015.

3. On July 7, 2015, the county agency issued a request for information letter to Petitioner to the mailing address that Petitioner had supplied at application, requesting proof of Wisconsin residency. This information was to be provided by July 20, 2015. The verification was not provided and Petitioner's case closed as of August 1, 2015.
4. On September 4, 2015 Petitioner re-applied for FoodShare. That application was approved.

DISCUSSION

Wisconsin FS policy provides for expedited FS and the following verification requirements:

2.1.4.2 Verification Requirements for Expedited Services

A food unit eligible for expedited benefit issuance is only required to provide verification of identity of the primary applicant before the expedited benefits can be issued. Any documents, which reasonably establish the applicant's identity, must be accepted, and no requirement for a specific type of document, such as a birth certificate or photo ID, may be imposed. Even collateral contact is acceptable. If any other required verification is readily available, it must be used in the initial eligibility determination. Other outstanding required verification items must be requested, however do not delay the issuance of expedited benefits pending the receipt of other requested verification.

CARES will deny ongoing months with a failure code reason related to expedited verification requirements. If requested verification is not received, the AG will remain closed due to failure to provide requested expedited verifications (codes 152, 153, or 154). In many instances a verification checklist is not sent, resulting in negative QC errors. To avoid possible errors confirm all FS benefit months, including the second or third month "fail". Run eligibility a second time to place the case in pending status and to send a system generated verification request. Change the verification due date on the checklist to the 30th day of the application. Suppress any incorrect notices.

There is no limit to the number of times a household can be certified under expedited procedures as long as the household:

1. submitted all the required verifications within the last 30 day application processing period following an expedited issuance, or
2. was certified under normal processing standards since the last expedited certification.

FoodShare Wisconsin Handbook, §2.1.4.2.

Given the above, I am sustaining the denial of FoodShare for the period of August 1, 2015 through September 3, 2015. The agency issued expedited FoodShare per policy. Required verifications must still be submitted, however, in order to maintain eligibility for ongoing FoodShare. Here that verification was not provided. Though Petitioner testified that she did not get the verification request there is no indication that it was not delivered and no other mail delivery issues

CONCLUSIONS OF LAW

That the agency correctly discontinued Petitioner's FoodShare as of August 1, 2015 for failing to provide verification.

THEREFORE, it is

ORDERED

That this appeal is 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 Milwaukee,
Wisconsin, this 3rd day of November, 2015

\sDavid D. Fleming
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 November 3, 2015.

Sheboygan County Department of Human Services
Division of Health Care Access and Accountability