



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FOO/168680

PRELIMINARY RECITALS

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

No issue was presented for Division of Hearings and Appeals decision.

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: Anthony Gerhing

Washington County Department of Social Services
333 E. Washington Street
Suite 3100
West Bend, WI 53095

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

Petitioner filed an appeal on September 9, 2015 that noted a discontinuance and overpayment of FoodShare benefits as the basis for the hearing request. At the hearing the discontinuance was not brought up as an issue though it was alluded to by the agency as part of overpayment issue (see separate decision in case # 168861) - as Petitioner's household was over FoodShare income limits there was an overpayment and this closed the case. Nonetheless, if more should have been addressed concerning the case closure Petitioner should note the rehearing instructions below. I would also note that Petitioner and the father of her child now have a shelter expense that they did not have before so may wish to reapply for FoodShare to see if that changes the eligibility and allotment calculation even if there is not a need for a rehearing.

CONCLUSIONS OF LAW

That no issue has been presented for Division of Hearings and Appeals decision at the hearing scheduled for this case.

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 6th day of November, 2015

David 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 6, 2015.

Washington County Department of Social Services
Division of Health Care Access and Accountability