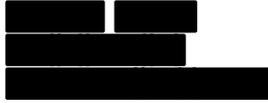




STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FOO/169144

PRELIMINARY RECITALS

Pursuant to a petition filed September 30, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Richland County Health and Human Services in regard to FoodShare benefits (FS), a hearing was held on December 02, 2015, at Madison, Wisconsin.

The issue for determination is whether petitioner should be granted benefits for her children for October 2015.

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: [Redacted]
Richland County Health and Human Services
221 W Seminary St.
PO Box 673
Richland Center, WI 53581

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Dane County.
2. Petitioner applied for FS for her two children and herself on 9/18/15.
3. The agency discovered that the children were on a FS case for the father who lives elsewhere.

4. The agency investigated and determined that the children could be appropriately included in petitioner’s case.
5. FS allotments were already being processed at that time and could not be reversed. The FS for the kids was allotted to the father for October.
6. The children were removed from the father’s case and placed on petitioner’s case for November.

DISCUSSION

FS cannot be granted for the same person for the same month on more than one case. The application for FS was filed by petitioner on 9/18/15. By the time of this application, the FS allotment was already being processed for October disbursement. October benefits were distributed to the father’s case.

Petitioner argued that she had been informing the agency for some time that the father should not be getting FS for the children. But, she did not apply for her own FS until 9/18/15. It is not unreasonable for the agency to not have investigated petitioner’s claim, however, as she had not yet sought benefits for the children. By the time the application was filed and verified, the October disbursement was being processed. It is unfortunate that changes cannot be made instantly. But FS administration is a large operation and the agencies need time to effect changes to individual cases. The agency did not err.

CONCLUSIONS OF LAW

The agency did not err in not allotting FS for the children on petitioner’s case in October as the October benefits were being processed to the father.

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 Madison,
Wisconsin, this 10th day of December, 2015

\sJohn P. Tedesco
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 December 10, 2015.

Richland County Health and Human Services
Division of Health Care Access and Accountability