



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FWP/169205

PRELIMINARY RECITALS

Pursuant to a petition filed October 7, 2015, under Wis. Admin. Code, §HA 3.03(4), to review a decision by Milwaukee Enrollment Services to discontinue FoodShare benefits (FS), a hearing was held on October 28, 2015, by telephone.

The issue for determination is whether petitioner complied with FS work program requirements.

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: [Redacted]
Milwaukee Enrollment Services
1220 W. Vliet Street
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Milwaukee County.
2. Petitioner receives FS as a one-person household. He completed an FS renewal and his case was confirmed on May 4, 2015. He was asked about potential work exemptions but met none. Because his case was confirmed after April 1, 2015, he became subject to FS Employment and Training (FSET) requirements effective June 1, 2015.
3. Petitioner missed four FSET appointments in May and June. A fifth appointment was made for August 13, but petitioner again missed it. Petitioner finally enrolled in FSET on August 17, but he

missed appointments on August 20, August 24, and the morning of August 25. He finally walked into the agency the afternoon of August 25. He eventually was told that he was being disenrolled from FSET because his FS were pending to close September 1, 2015.

4. By a notice dated August 19, 2015 Milwaukee Enrollment Services informed petitioner that FS would end September 1 because his three-month time limited benefits were ending.

DISCUSSION

Pursuant to a provision of Wisconsin's 2007-2009 biennial budget, Wisconsin has operated a voluntary FSET program since 2008. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) limits the receipt of FS benefits to three full months in a 36-month time period for Able-Bodied Adults without Dependents (ABAWDs) who do not meet the work requirement or meet an exemption from the work requirement. As part of Wisconsin's 2014-15 biennial budget, 2013 Wisconsin Act 20 created Wis. Stat., §49.79(10), which mandated FS eligibility and work requirements for ABAWDs to be implemented in Wisconsin beginning in 2014, consistent with federal regulations 7 CFR §273.7 and 7 CFR §273.24. The program began in Milwaukee County effective April 1, 2015, and FS recipients were required to meet the requirements beginning with the next FS review completed after April 1, 2015. FS Handbook, §3.17.1.2.

Under Wis. Stat., §49.79(10), an ABAWD is required to fulfill a work requirement. If he does not fulfill the work requirement, he is limited to receiving no more than three months' FS during a three year period. The program's requirements are specified in the Department's FS Handbook at §3.17.1. To meet the work requirement the ABAWD must work a minimum of 80 hours per month, participate in a work program 80 hours per month, or a combination of both for 80 hours per month. Handbook, §3.17.1.7. The person is limited to three months of FS eligibility in which he is not meeting the 80-hour requirement and is not exempt. Handbook, §3.17.1.9. FS ends after three months of failing to meet the work requirement, but eligibility can begin again if the person becomes exempt or meets the work requirement for a 30-day period (the person could reapply for FS *after* meeting the requirement for 30 days). Handbook, §3.17.1.11.

Petitioner did not meet the work requirement. He missed several appointments because, he said, he did not have transportation to get to the agency to pick up his mail. There is nothing in the policy providing good cause for failing to pick up mail, and I note that the agency also tried to call petitioner to set up appointments.

Petitioner complained that when he finally did enroll, the agency cut him off. Even after enrollment petitioner missed several appointments. When he did show up on August 25 it was too little, too late. At that point he could not possibly comply with the FSET requirements.

I conclude that the agency correctly ended FS after petitioner failed to meet the work requirement for three months. As noted, petitioner can become eligible again if he meets the requirement for a 30-day period and then reapplies.

CONCLUSIONS OF LAW

The FS agency correctly ended FS after petitioner failed to meet the work requirement for three months.

THEREFORE, it is

ORDERED

That the petition for review is hereby 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 30th day of October, 2015

\sBrian C. Schneider
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 October 30, 2015.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability