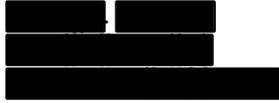




STATE OF WISCONSIN  
Division of Hearings and Appeals

In the Matter of



DECISION

FOO/170686

PRELIMINARY RECITALS

Pursuant to a petition filed December 10, 2015, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Rock County Dept. of Social Services in regard to FoodShare benefits (FS), a hearing was held on January 13, 2016, by telephone.

The issue for determination is whether the agency correctly prorated petitioner's FS after a renewal.

PARTIES IN INTEREST:

Petitioner:



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Respondent:

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

By:   
Rock County Dept. of Social Services  
P.O. Box 1649  
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider  
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Rock County who receives FS.
2. Petitioner was scheduled for an annual FS renewal by the end of October, 2015. The county sent petitioner a notice for an October 20 phone interview. Petitioner did not answer the phone at the scheduled time.
3. By a notice dated October 19, 2015 the county informed petitioner that FS would end November 1 unless he completed the renewal.

4. On October 21 the county sent two notices. One told petitioner that Medical Assistance would continue in November (an interview is not required for MA). The other said that petitioner had to complete his interview for FS to continue, and it gave petitioner a number to call. Petitioner did not call.
5. On November 10, 2015 the county sent a notice to petitioner telling him that FS were denied because he did not do his interview.
6. Petitioner called the agency on November 17, 2015 to inquire about his missing FS. He completed the interview on November 18, and FS were reopened effective that date. November FS thus were prorated.

### DISCUSSION

An FS recipient must do a periodic renewal to continue eligibility. 7 C.F.R. §273.14. Failure to complete a renewal results in the closing of the case. If the renewal is not completed until after the case is closed because of household error or inaction, the FS are not issued in full. Instead, the case is treated as a new application, and benefits are to be prorated as of the date the renewal is completed. 7 C.F.R. §273.14(e)(3); FS Handbook, Appendix 2.2.1.4.

Under current FS rules, there is no good cause exception for missing a renewal. The only way FS can be backdated to the termination date is if the renewal was not completed due to agency error. In this case the agency handled the renewal process correctly. Notices were sent to the correct address, but petitioner did not see them timely because of mail problems on his end.

Petitioner complained that he called the Call Center, and the first man he spoke to scheduled an interview for November 30 instead of simply doing the interview there. He called back on November 18 and the Call Center person did the interview then. Phone logs show that petitioner's first call was November 17. The difference in the one day was negligible, even assuming that the man he spoke to that day was authorized to complete a renewal as the November 18 worker did. Petitioner made no calls prior to November 17.

### CONCLUSIONS OF LAW

The county correctly prorated petitioner's November, 2015 FS because he did not complete his renewal until after the end of his renewal deadline.

**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 15th day of January, 2016

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\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 January 15, 2016.

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