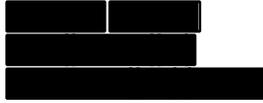




STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of:



DECISION

FOO/171651

PRELIMINARY RECITALS

Pursuant to a petition filed January 27, 2016, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Rock County Department of Social Services [“County”] in regard to FoodShare benefits [“FS”], a Hearing was held via telephone from Madison, Wisconsin on February 23, 2016.

The issue for determination is whether it was correct not to add petitioner to the FS household.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

BY:  ES Supervisor
Rock County Department of Social Services
1900 Center Avenue
PO Box 1649
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES #  18 years old) is a resident of Rock County, Wisconsin.

2. On January 3, 2016 CG (CARES # [REDACTED]) submitted a change report via computer stating that petitioner was now residing in her household; CG provided a copy of petitioner's [REDACTED] driver's license showing an [REDACTED] address.
3. On January 8, 2016 a notice was mailed to CG requesting verification that petitioner was not receiving benefits in [REDACTED]; the verification due date January 18, 2016.
4. No verification was ever provided to show that that petitioner was not receiving benefits in [REDACTED].

DISCUSSION

All reported changes that cause an increase in the FS benefit including person additions, increases in expenses, decreases in income, etc., will be effective the first of the month following the report month if required verifications are received within 10 days of the request for verification. FWH 6.1.3.3.; See also, 7 C.F.R. §§ 273.12(c)(1)(i) & (ii) (2014). In this case, a January 8, 2016 notice was mailed requesting verification that petitioner was not receiving benefits in [REDACTED]. The verification due date was January 18, 2016. No verification was ever provided. Therefore, it was correct not to add petitioner to the FS household.

Petitioner testified it was possible that he might be on his mother's FS case in [REDACTED]. He testified that he tried 3 times to get the required verification from [REDACTED] but his telephone calls were bounced back to Wisconsin. However, petitioner did not explain why he could not get the required verification directly from his mother.

CONCLUSIONS OF LAW

For the reason discussed above, it was correct not to add petitioner to the FS household.

THEREFORE, it is

ORDERED

That the petition for review herein be and the same 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 22nd day of March, 2016

\sSean P. Maloney
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on March 22, 2016.

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