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**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

**DECISION**  
Case #: PBT - 220140

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**PRELIMINARY RECITALS**

Pursuant to a petition filed on September 20, 2025, under Wis. Admin. Code, sec. HA 3.03, to review a decision by the DHS Bureau of Enrollment Policy And Systems regarding PBT, a hearing was held on November 25, 2025, by telephone.

The issue for determination is whether the agency erred by issuing summer FS EBT benefits to petitioner's children's other parent.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
201 E. Washington Ave.  
Madison, WI 53703

By: C. White

DHS Bureau of Enrollment Policy And Systems  
1 West Wilson St  
Madison, WI 53703

**ADMINISTRATIVE LAW JUDGE:**

John Tedesco  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of La Crosse County.
2. Petitioner's two children are qualified to receive summer FoodShare EBT benefits.
3. The parents share custody and placement.

4. The children's other parent has the children on MA coverage.
5. The summer EBT benefits were paid to the other parent.

### DISCUSSION

The Summer EBT Program is an income-based program that was established to provide nutritional assistance during the summer months for eligible children to ensure continued access to food when school is not in session. 7 CFR §292.1(b). Eligible children qualify for \$120. If a State wishes to offer Summer EBT benefits, it must submit a plan for approval to the United States Department of Agriculture's Food and Nutrition Service (FNS). See 7 C.F.R. §292.8. The State of Wisconsin has chosen to participate and its plan was approved in March, 2025. See [www.dhs.wisconsin.gov/sebt/eligible.htm](http://www.dhs.wisconsin.gov/sebt/eligible.htm).

In general, children are eligible for Summer EBT if they meet the eligibility standards for the NSLP. 7 C.F.R §§292.2, 292.5 and 292.6. In addition, certain school-age children (those born between July 1, 2006 and August 31, 2019) are automatically or "categorically" eligible for Summer EBT. Children who are automatically eligible for Summer EBT in Wisconsin in 2025 include children who were part of a household that participated in the FoodShare Program, Wisconsin Works (W-2), Food Distribution Program on Indian Reservations, or an income-based Medicaid program. *Id.*, also 7 C.F.R. §292.6.

Petitioner appealed because he thinks the benefits should have been paid to him rather than the child's mother. The agency explained at hearing that the benefits are paid to the person who has open FoodShare or other state benefits cases open for the children. In this case, the children are on an active medical assistance case with the mother and that is why benefits were paid to the mother.

Petitioner offered no evidence demonstrating that the children are not part of an open benefits case with the mother.

The Department followed its established benefit issuance process in this case in paying the child's PEBT to the parent with whom the child was associated in the DHS benefit records or the DPI records. The process is consistent with the State Plan approved by the USDA, which controls implementation of the PEBT program. Petitioner failed to show that the Department made any error in payment of PEBT benefits to the other parent.

At hearing, petitioner argued that the system is flawed because he was not the parent who received the benefits even though he is the one who applied. The fact is that the benefits are for benefit of the children – not for a parent. And there is no dispute that the paid benefits went to one of the two parents sharing custody. Petitioner may wish to petition a circuit court for court-order relating to a marital settlement, support, or placement/custody order which would specify which parent receives such benefit. Alternatively, petitioner and the other parent can share the benefits. Finally, the petitioner may wish to ask the other parent to contact the agency and instruct the benefits to go to petitioner. But, the agency has not erred and I have no authority to change the status quo.

### CONCLUSIONS OF LAW

Petitioner failed to establish that any error occurred in 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, 4822 Madison Yards Way, 5<sup>th</sup> Floor North, 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.

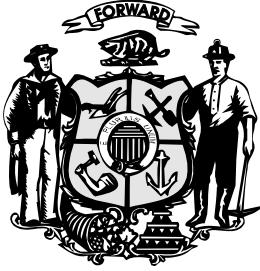
**APPEAL TO COURT**

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, 201 E. Washington Ave., **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 9th day of January, 2026

\s \_\_\_\_\_  
John Tedesco  
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 9, 2026.

Dhs Bureau of Enrollment Policy And Systems