



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Wood County Human [REDACTED] - WI Rapids, Petitioner

vs.

[REDACTED], Respondent

DECISION

Case #: FOF - 220400

Pursuant to petition filed October 14, 2025, under Wis. Admin. Code §HA 3.03, and 7 C.F.R. § 273.16, to review a decision by the Wood County Human Services - WI Rapids to disqualify [REDACTED] from receiving FoodShare benefits (FS) for a period of one year, a hearing by telephone conference was held on Tuesday, December 2, 2025, originating from Madison, Wisconsin.

The issue for determination is whether the respondent committed an Intentional Program Violation (IPV).

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

Wood County Human Services - WI Rapids
111 W Jackson St
Wisconsin Rapids, WI 54495

Respondent:

[REDACTED]
[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE:

Jason M. Grace
Division of Hearings and Appeals

FINDINGS OF FACT

1. The respondent (CARES [REDACTED]) is a resident of Iron County who received FS benefits in Iron County from August 2023 through July 2024.
2. The respondent was issued an Enrollment and Benefits Handbook on May 25, 2021 and August 23, 2023. The handbook set forth program rules and policy. This included a warning that it was a violation of FS

rules to provide false information or verification. It further warned that any member who intentionally breaks FS rules could be barred from the program for 12 months for a first violation.

3. On August 22, 2023, the respondent applied for FS and healthcare benefits by telephone. He reported he was currently unemployed but made \$1,000-\$1,200/month doing cash jobs. When asked if he considered himself to be self-employed, he reported he was uncertain how to respond. He further indicated the answer would be no, but if he said yes it was not a long term thing. He reported no cash jobs in the month of August. The representative provided respondent a list of other income sources and asked if he received any of them. Included in that list was “money from other persons” and “any other source of income.” He reported he did not receive either. He provided a telephonic signature certifying under the penalty of law and perjury that he understood the questions and statements read to him and that his answers were correct and complete to the best of his knowledge. The agency representative inquired how he was paying his expenses.
4. On August 23, 2023, notice was provided to the respondent. The notice informed that the agency had no income on file for the household and that he needed to report by the 10th day of the following month if gross household income exceeded \$1,473.00.
5. On January 3, 2024, the respondent submitted an ACCESS FS Six month Report Form (SMRF) that did not report any changes. Thus, no household income was reported.
6. On March 15, 2024, notice titled, Important Information about your Benefits was issued to respondent. Attached was a summary of information provided during the SMRF. He was directed to report to the agency if there was any incorrect information in the summary. The summary noted the only job on file was previous employment with [REDACTED] from January 15, 2024 – April 12, 2024. The summary further reflected that he was not self-employed.
7. On July 16, 2024, the agency received an anonymous tip that respondent had self-employment income.
8. In July 2024, CSI commenced an investigation into respondent’s income. It found that in June 2019 he started [REDACTED], a landscaping and snow removal business. The respondent provided CSI bank statements that reflected new deposits into the accounts as follows:

Bank account ending in [REDACTED]

- August 2023: \$4,354.22, which included a \$3,400 deposit on August 1, 2023 and a [REDACTED] deposit from his mother of \$600 on August 16, 2023.
- September 2023: \$1,704.75, which included a [REDACTED] deposit from his mother of \$30.00.
- October 2023: \$3,085.26, which included 4 separate [REDACTED] deposits from his mother totaling \$2,050.00.
- November 2023: \$1,001.58
- December 2023: \$1,758.09
- January 2024: \$1,708.90
- February 2024: \$3,811.87
- March 2024: \$5,390.52

Bank account ending in [REDACTED]

- October 2023: \$1,331.45
- November 2023: \$1,415.00, which included \$415 [REDACTED] deposit from his mother
- December 2023: \$610.00

- January 2024: \$1,375.00
- February 2024: \$3,063.76
- March 2024: \$2,914.43

9. On August 30, 2024, respondent reported to CSI that he worked at [REDACTED] from approximately January 5, 2024 until April 10, 2024. He also reported that he did not file taxes for [REDACTED] in 2023 as he was way under the \$12,000.00 tax filing threshold. He reported that his mother and uncle have been helping him financially for eight to ten months, consistently giving him around a thousand dollars per month to help him pay his bills.
10. On October 30, 2025, the petitioner prepared an Administrative Disqualification Hearing Notice alleging that respondent committed a FS intentional program violation by:

Falsely reporting at FoodShare phone application and interview 08/22/2023 that [REDACTED] [REDACTED] lawn care/snow plowing self-employment had ended when it hadn't, failure to report receiving money from other person unearned income. Also failure to accurately report [REDACTED] [REDACTED] self-employment, money from other person unearned income at FoodShare ACCESS Six Month Report Form 01/03/2024. FoodShare benefits issued 08/22/2023 - 07/31/2024 issued incorrectly due to [REDACTED] either omitting information or providing false information to obtain public assistance benefits not entitled to.

DISCUSSION

An intentional program violation of the FoodShare program occurs when a recipient intentionally does the following:

1. makes a false or misleading statement, or misrepresents, conceals or withholds facts; or
2. commits any act that constitutes a violation of the Food Stamp Act, the Food Stamp Program Regulations, or any Wisconsin statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of FoodShare benefits or QUEST cards.

FoodShare Wisconsin Handbook, § 3.14.1; *see also* 7 C.F.R. § 273.16(c) and Wis. Stat. §§ 946.92(2).

An intentional program violation can be proven by a court order, a diversion agreement entered into with the local district attorney, a waiver of a right to a hearing, or an administrative disqualification hearing, *FoodShare Wisconsin Handbook*, § 3.14.1. The petitioner can disqualify only the individual found to have committed the intentional violation; it cannot disqualify the entire household. Those disqualified on grounds involving the improper transfer of FS benefits are ineligible to participate in the FoodShare program for one year for the first violation, two years for the second violation, and permanently for the third violation. Although other family members cannot be disqualified, their monthly allotments will be reduced unless they agree to make restitution within 30 days of the date that the FS program mails a written demand letter. 7 C.F.R. § 273.16(b).

In order for the petitioner to establish that an FS recipient has committed an IPV, it has the burden to prove two separate elements by clear and convincing evidence. The recipient must have: 1) committed; and 2) intended to commit a program violation per 7 C.F.R. § 273.16(e)(6). In *Kuehn v. Kuehn*, 11 Wis.2d 15 (1959), the court held that:

Defined in terms of quantity of proof, reasonable certitude or reasonable certainty in ordinary civil cases may be attained by or be based on a mere or fair preponderance of the evidence. Such

certainty need not necessarily exclude the probability that the contrary conclusion may be true. In fraud cases it has been stated the preponderance of the evidence should be clear and satisfactory to indicate or sustain a greater degree of certitude. Such degree of certitude has also been defined as being produced by clear, satisfactory, and convincing evidence. Such evidence, however, need not eliminate a reasonable doubt that the alternative or opposite conclusion may be true. ...

Kuehn, 11 Wis.2d at 26.

Wisconsin Jury Instruction – Civil 205 is also instructive. It provides:

Clear, satisfactory and convincing evidence is evidence which when weighed against that opposed to it clearly has more convincing power. It is evidence which satisfies and convinces you that “yes” should be the answer because of its greater weight and clear convincing power. “Reasonable certainty” means that you are persuaded based upon a rational consideration of the evidence. Absolute certainty is not required, but a guess is not enough to meet the burden of proof. This burden of proof is known as the “middle burden.” The evidence required to meet this burden of proof must be more convincing than merely the greater weight of the credible evidence but may be less than beyond a reasonable doubt.

Further, the *McCormick* treatise states that “it has been persuasively suggested that [the clear and convincing evidence standard of proof] could be more simply and intelligibly translated to the jury if they were instructed that they must be persuaded that the truth of the contention is highly probable.” 2 *McCormick on Evidence* § 340 (John W. Strong gen. ed., 4th ed. 1992).

Thus, in order to find that an IPV was committed, the trier of fact must derive from the evidence a firm conviction as to the existence of each of the two elements even though there may be a reasonable doubt as to their existence.

In order to prove the second element, i.e., intention, there must be clear and convincing evidence that the FS recipient intended to commit the IPV. The question of intent is generally one to be determined by the trier of fact. *State v. Lossman*, 118 Wis.2d 526 (1984). There is a general rule that a person is presumed to know and intend the probable and natural consequences of his or her own voluntary words or acts. See, *John F. Jelke Co. v. Beck*, 208 Wis. 650 (1932); 31A C.J.S. Evidence §131. Intention is a subjective state of mind to be determined upon all the facts. *Lecus v. American Mut. Ins. Co. of Boston*, 81 Wis.2d 183 (1977). Thus, there must be clear and convincing evidence that the FS recipient knew that the act or omission was a violation of the FS Program but committed the violation anyway.

The agency alleges that respondent committed a FS IPV during his FS interview on August 22, 2023 by failing to accurately report his income, which stemmed from having self-employment earnings from [REDACTED] and money received from other individuals. It further alleges he also failed to report those income streams during his ACCESSSS Six Month Report Form on January 3, 2024.

As I understood it, respondent’s position is that his failure to report the income at issue was due to his ignorance of what qualifies as income for purposes of the FS program. He did not consider money provided to him by family to pay his expenses to be “income.” He assumed that because he made significantly less than \$20,000 per year he met financial eligibility requirements for the FS program. He indicated in retrospect he should have reported the small amounts of money he was receiving from the odd jobs involving the mowing of a yard or plowing of a driveway. He apologized for being ignorant of the FS program rules. He reported that he did not intend to defraud the FS program and genuinely needed food assistance. He also reported that he was not in the right frame of mind as he was dealing with legal issues at the time, his marriage was ending, and his daughter was dealing with health issues.

The record indicates that respondent had unreported income and that he received FS benefits that he was not financially eligible to receive. The allegation that the source of the income was solely connected to [REDACTED] as

opposed to other unrelated cash jobs was not demonstrated. However, the respondent's claim that he was unaware that money received from other people, such as his mother or uncle, needed to be reported to the FS agency was not found credible. This is because he was specifically asked during his FS interview if he received "money from other persons." He did not report the \$600 he received from his mother a week prior to his FS application/interview. He continued to receive money from her in the months that followed. He had significant amount of money being deposited into his two bank accounts during each of the months of August 2023 through March 2024. While it is not entirely clear from the record as to all sources of the money being deposited into those accounts, there is no indication that it falls within the category of disregarded income. During his January 2024 SMRF he did not report any updated information to the agency bearing on income or employment. Respondent's asserted belief that he qualified for FS because he needed food assistance and made less than \$20,000 clearly does not reflect the criteria for FS eligibility. Even if he qualified for the program, the agency still needed to identify all sources and amount of income to determine the FS allotment. While he may not have believed he was defrauding the FS program, I find the evidence before me indicates that he intentionally made a false or misleading statement, or misrepresented, concealed or withheld facts during his August 2023 FS application/interview as to receiving money from others.

Based upon the record before me, I find that the petitioner has established by clear and convincing evidence that the respondent intentionally violated FS program rules, and that this violation was the first such violation committed by the respondent. Therefore, the petitioner correctly seeks to disqualify the respondent from the FS program for one year.

CONCLUSIONS OF LAW

1. The Respondent violated and intended to violate 7 C.F.R. § 273.16(c).
2. The agency properly seeks to disqualify Respondent from the FoodShare program for a period of one year pursuant to 7 C.F.R. §273.16(b)(1).

NOW, THEREFORE, it is ORDERED

That the petitioner's determination is sustained, and that the petitioner may make a finding that the respondent committed a first IPV of the FoodShare program and disqualify the respondent from the program for one year, effective the first month following the date of receipt of this decision.

REQUEST FOR A REHEARING ON GROUNDS OF GOOD CAUSE FOR FAILURE TO APPEAR

In instances where the good cause for failure to appear is based upon a showing of non-receipt of the hearing notice, the respondent has 30 days after the date of the written notice of the hearing decision to claim good cause for failure to appear. See 7 C.F.R. sec. 273.16(e)(4). Such a claim should be made in writing to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875.

APPEAL TO COURT

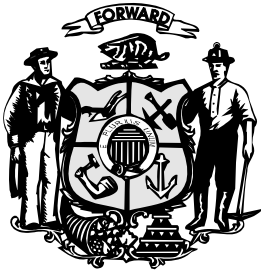
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 201 E. Washington Ave., Madison, WI 53703, **and** on those identified in 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 request (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 February, 2026

\sJason M. Grace
Administrative Law Judge
Division of Hearings and Appeals

- c: Northern Consortium - email
- Public Assistance Collection Unit - email
- Division of Health Care Access and Accountability - email
- Leanna Becker - email



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The preceding decision was sent to the following parties on February 9, 2026.

Wood County Human Services - WI Rapids
Public Assistance Collection Unit
Division of Health Care Access and Accountability

