



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Wood County Human Services - WI Rapids, Petitioner

vs.

██████████, Respondent

DECISION

Case #: FOF - 220693

Pursuant to petition filed November 5, 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 ██████████ from receiving FoodShare benefits (FS) for a period of one year, a hearing by telephone was held on Wednesday, January 14, 2026, originating from Madison, Wisconsin. The hearing was rescheduled twice.

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:

██████████
████████████████████
████████████████████

ADMINISTRATIVE LAW JUDGE:

Jason M. Grace
Division of Hearings and Appeals

FINDINGS OF FACT

1. The respondent (CARES # ██████████) is a resident of NA who received FS benefits in Wood County, Wisconsin at various times between July 2020 and July 2024.

2. The respondent was issued an Enrollment and Benefits Handbook on June 25, 2020; August 30, 2022; January 5, 2023; and September 18, 2023. The Handbook set forth program rules and responsibilities. This included the rule that it is a program violation to intentionally provide false information or verification. It further informed that a first IPV could result in being barred from the program for 12 months.
3. On January 4, 2023, respondent completed a FS interview wherein she reported living in [REDACTED], WI. She was issued expedited FS for January 2023. Two days later her FS card was used for an internet order that was delivered to Kissimmee, Florida.
4. The respondent further reported during contacts with the FS agency that she was living in Wisconsin when benefits were being reviewed on February 10, 2023; September 15, 2023; and March 19, 2024.
5. Respondent's FS card was used exclusively in Florida during the 8 month period of January 6, 2023 through September 28, 2023. Her FS card was then used in Wisconsin for the 5 day period of October 2, 2023 through October 7, 2023. It was used thereafter exclusively in Florida during the 8 month period of October 10, 2023 through June 20, 2024. Her FS card was again used in Wisconsin during the period of June 22, 2024 through July 16, 2024. Thereafter, it was solely used in Florida from July 18, 2024 through the close of her FS case at the end of September 2024.
6. The agency closed respondent's Wisconsin FS case at the end of September 2024 following an investigation into where respondent was residing. It concluded respondent was residing in Florida as FS usage had been primarily in that state since January 6, 2023 and a true people internet search indicated she was living in Florida. Also, on September 19, 2024, an application for Florida FS was submitted by [REDACTED] who reported respondent was his wife and the mother of his child. He further reported all three to be residents of Florida. Respondent reported to the Wisconsin FS agency on September 17, 2024 that she was living with [REDACTED].
7. On January 7, 2026, the petitioner prepared an Administrative Disqualification Hearing Notice alleging that respondent committed a FS intentional program violation by falsely reporting to be living in Wisconsin during numerous contacts with the agency.

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.

FS is a means-tested program based upon household size, allowed expense deductions, and household income. As noted above, a FS recipient commits an Intentional Program Violation by intentionally making a

false or misleading statement or misrepresents or withholds facts in order to receive FS benefits. See, Wisconsin FoodShare Handbook, § 3.14.1; Wis. Stat. § 946.92(2); and 7 C.F.R. § 273.16(c).

During the 8 month period of January 6, 2023 through September 28, 2023, respondent's FS was used exclusively in Florida. This included numerous in-person transactions and internet orders delivered to a Florida address. There was a 5 day period in October 2023 where her FS was used in Wisconsin. However, that was then followed by an 8 month period where her FS was again used exclusively in Florida. Thus, but for a 5 day period in October 2023, her FS was used exclusively in Florida during the 17 month period of January 6, 2023 through June 20, 2024. This indicates that she was living in Florida and that the 5 day period where her FS was used outside that state stemmed from a brief trip to Wisconsin. Prior to hearing, the respondent never provided the FS agency any information that would explain why her FS was almost exclusively used in Florida if she was not living there. I find that the petitioner has met its burden to demonstrate that respondent was living in Florida when she falsely reported to the agency that she was living in Wisconsin on January 4, 2023, February 10, 2023, September 15, 2023, and March 19, 2024. The record further indicates that respondent was previously informed of FS program rules and possible consequences for committing intentional program violations. This included the warning that it was a program violation to intentionally provide false information.

While respondent appeared at hearing, she did not affirmatively contest any aspect of the agency's presentation of evidence or argument. Nor did she argue that conduct did not amount to an intentional program violation. She did not testify, cross examine the agency's witness, or present any evidence.

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 by providing false information to the Wisconsin FS agency as to where she was living, 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.

APPEAL TO COURT

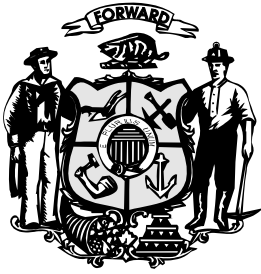
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 201 E. Washington Ave., Madison, WI 53703, **and** on those identified in 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 11th 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



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
5th Floor North
4822 Madison Yards Way
Madison, WI 53705-5400

Telephone: (608) 266-7709
FAX: (608) 264-9885
email: DHAMail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on February 11, 2026.

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