



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: FBT - 221229

PRELIMINARY RECITALS

Pursuant to a petition filed on December 18, 2025, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Office of the Inspector General regarding FBT, a hearing was held on January 13, 2026, by telephone.

The issue for determination is whether petitioner's appeal is ripe for review by the Division of Hearing and Appeals.

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 written submission of Trent Leffler
Office of the Inspector General
Department of Health Services - OIG
PO Box 309
Madison, WI 53701

ADMINISTRATIVE LAW JUDGE:

Jason M. Grace
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County. She receives FS.

2. On December 18, 2025, the petitioner filed an appeal with the Division of Hearings and Appeals (DHA) seeking replacement of FS benefits that she indicated were stolen.
3. By letter dated January 6, 2026, the DHA received a copy of a letter addressed to petitioner from Trent Leffler, Office of the Inspector General, Department of Health Services, that provided the following, in relevant part:

The Department of Health Services (DHS), Office of Inspector General (OIG) has been notified that you or your representative, identified as the petitioner throughout this letter, submitted a fair hearing request with the Division of Hearings and Appeals (DHA) regarding your request for replacing FoodShare benefits. The following is a summary outlining the facts with respect to this case as the OIG will not be appearing at the hearing.

The petitioner reported the possible theft of benefits to The Office of Inspector General (OIG) on November 26, 2025. A Replacement Request for Stolen Benefits (F-03193) was mailed to the petitioner on November 26, 2025. The OIG has never received a valid completed request back from the petitioner.

With respect to this appeal, OIG requests that the appeal be withdrawn or dismissed as OIG has not issued a decision on the case so there is no jurisdiction for an appeal at this time, further no OIG representative will appear at the scheduled hearing

4. The petitioner has not provided evidence of submitting form F-03193 (Replacement Request for Stolen FoodShare Benefits) to the OIG or that any request for replacement FS has been denied.

DISCUSSION

The petitioner seeks replacement of FS benefits that she believes were stolen. I would note that the current publication of the FoodShare Wisconsin Policy Handbook appears to limit replacement FS benefits to thefts that occurred prior to October 1, 2024. FS Handbook, § 7.1.1.6 (Release 25-03). The US Department of Agriculture, Food and Nutrition Service (FNS), issued a policy memo to all state SNAP agencies indicating that SNAP benefits that are stolen after December 21, 2024, are not eligible for replacement using federal funds. FNS policy memo found online at <https://www.fns.usda.gov/snap/sunset-stolen-benefits-replacement-plan>. It did note that state agencies were free to replace stolen benefits using state funds. Id.

It appears that Wisconsin has elected to replace FS benefits stolen after December 21, 2024 under certain circumstances. I would note that the DHA issued a decision on April 8, 2025, addressing a request for replacement FS alleged to have been stolen on January 15, 2025. DHA Case No. FBT-217045. The OIG appears to have provided DHA information indicating it revised its policy for FS benefits stolen after December 1, 2024, wherein the OIG now oversees the process. Id. That is consistent with the letter OIG submitted in this case. See Findings of Fact 3 above. In that letter, OIG indicates petitioner was required to submit form F-03193 (Replacement Request for Stolen FoodShare Benefits) to the OIG for review of her request. That form can be found online at <https://www.dhs.wisconsin.gov/forms/f03193.pdf>. That form directs that FS members must use the form to request replacement FS that was compromised due to fraud. Id. It also directs the completed form be submitted to the OIG, providing options to submit by fax, mail, in-person, and online. Id. It indicates that if the request is denied, the OIG will mail a letter explaining the reason for denial and the right and process to file an appeal. The record does not contain

evidence that petitioner submitted the cited form to the OIG or that OIG has denied the petitioner's request for replacement FS benefits.

Based on the record before me, I find that the petitioner's appeal is not ripe for review by DHA.

Petitioner should submit the cited form to OIG for review. If the request for replacement FS is denied by OIG, petitioner would have the right to contest that determination.

CONCLUSIONS OF LAW

The petitioner's appeal is not ripe for review by the Division of Hearings and Appeals.

THEREFORE, it is ORDERED

That the petitioner's 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, 5th 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.

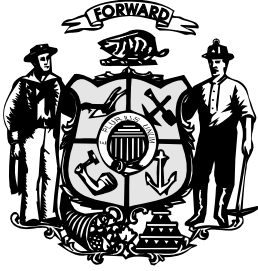
APPEAL TO COURT

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 14th day of January, 2026

\s _____
Jason M. Grace
Administrative Law Judge
Division of Hearings and Appeals



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 January 14, 2026.

Office of the Inspector General
Division of Health Care Access and Accountability