



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: FOP - 221265

PRELIMINARY RECITALS

Pursuant to a petition filed December 23, 2025, under Wis. Admin. Code, §HA 3.03, to review a decision by the Eau Claire County Dept. of Human Services to recover FoodShare benefits (FS), a hearing was held on January 20, 2026, by telephone.

The issue for determination is whether the agency correctly determined an FS overpayment.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Kimberly Ableidinger
Eau Claire County Dept. of Human Services
PO Box 840
Eau Claire, WI 54702-0840

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Eau Claire County.
2. Petitioner applied for FS on July 2, 2025. He reported that he lost his job, and that his last paycheck would be received that day. The final paycheck had gross income of \$842.39.

3. The worker processing the application accidentally input \$0.06 as earned income instead of the actual \$842.39 in the income column. Petitioner was issued \$166 in FS.
4. Petitioner's case was selected for a quality control review. The missed income was noted. By a notice dated December 19, 2025, the agency informed petitioner that he was overpaid \$166 in FS for July, 2025, due to agency error, claim no. [REDACTED].
5. After petitioner appealed, the worker noticed an error in the overpayment calculation. The correct amount of the overpayment was \$144.

DISCUSSION

The Department is required to recover all FS overpayments. An overpayment occurs when an FS household receives more FS than it is entitled to receive. 7 C.F.R. §273.18(c). The federal FS regulations provide that the agency shall establish a claim against an FS household that was overpaid, even if the overpayment was caused by agency error. 7 C.F.R. §273.18(b)(3). All adult members of an FS household are liable for an overpayment. 7 C.F.R. §273.18(a)(4); FS Handbook, Appendix 7.3.1.2.

To determine an overpayment, the agency must determine the correct amount of FS that the household should have received and subtract the amount that the household actually received. 7 C.F.R. §273.18(c)(1)(ii).

The overpayment here is clear. The worker entered the wrong earned income received in July, 2025, leading to petitioner receiving more FS than he was entitled to receive. I reviewed the corrected calculations, and I agree that the overpayment was \$144. Petitioner complained that the agency made a number of errors, and that it took several months before the mistake was discovered, but the federal FS law is clear that overpayments caused by agency error must be recovered. While it took several months, the law allows the agency to go back as much as one year to determine agency-error overpayments, so this claim is well within that time frame. As noted, petitioner can use his current FS balance to repay the claim.

CONCLUSIONS OF LAW

The agency correctly determined that petitioner was overpaid \$144 in FS in July, 2025 due to agency error.

THEREFORE, it is

ORDERED

That the petition for review 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, 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.

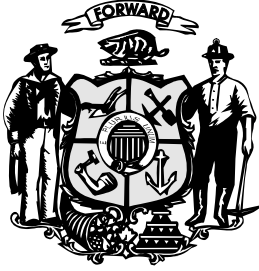
APPEAL TO COURT

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 22nd day of January, 2026

\s _____
Brian C. Schneider
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 22, 2026.

Eau Claire County Department of Human Services
Public Assistance Collection Unit
Division of Health Care Access and Accountability