



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
[Redacted]
c/o [Redacted]
[Redacted]
[Redacted]

DECISION
Case #: FOO - 200504

PRELIMINARY RECITALS

Pursuant to a petition filed on November 13, 2020, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services regarding FoodShare benefits (FS), a hearing was held on December 8, 2020, by telephone.

The issue for determination is whether there has been any adverse action forming the basis of an appeal to DHA.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
[Redacted]
c/o [Redacted]
[Redacted]
[Redacted]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703

By:

Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [Redacted]) is a resident of Milwaukee County.

2. Petitioner filed a request for hearing on 11/13/20 due to termination of FoodShare.
3. Petitioner received limited pandemic FoodShare over the summer due to his being part of the free school lunch program.
4. Petitioner has not applied for regular FS.

DISCUSSION

Petitioner received Pandemic EBT FoodShare for a limited time over the summer as part of the first federal COVID relief legislation. This FS was extended automatically to all children enrolled in the free or reduced-price school lunch program. This was a limited program to extend nutrition assistance during the summer months when children would not be getting meals at school.

When this program ended, petitioner filed an appeal to retain FS benefits. While the P-EBT program is not continuing at this time, petitioner may still be eligible for FS. He has not yet applied, however. Petitioner should apply for FS to see if he is eligible. At this time, there is no adverse action related to FS. The termination of the limited P-EBT FoodShare was by operation of law and it was limited in duration due to federal funding and Wisconsin law. There is no right to appeal that cessation.

CONCLUSIONS OF LAW

There has been no adverse action against petitioner that forms a basis for an appeal to DHA.

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, 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.

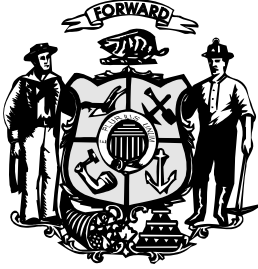
APPEAL TO COURT

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, 1 West Wilson Street, Room 651, **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 11th day of January, 2021

\s _____
John P. Tedesco
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) 266-3096
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 11, 2021.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability