



Date: August 18, 2017

DMS Operations Memo 17-39

To: Income Maintenance Supervisors  
Income Maintenance Lead Workers  
Income Maintenance Staff  
Training Staff

|   |  |
|---|--|
| <b>Affected Programs:</b>                     |  |
| <input type="checkbox"/> BadgerCare Plus      | <input type="checkbox"/> Caretaker Supplement              |
| <input checked="" type="checkbox"/> FoodShare | <input type="checkbox"/> FoodShare Employment and Training |
| <input type="checkbox"/> Medicaid             |  |
| <input type="checkbox"/> SeniorCare           |  |

From: Rebecca McAtee, Bureau Director  
Bureau of Enrollment Policy and Systems  
Division of Medicaid Services

**Clarification of FoodShare Replacement Issuance Policy**

**CROSS REFERENCE**

- FoodShare Wisconsin Handbook, [Section 7.1.1.5 Replacement Issuance for Destroyed Food](#)
- Process Help, [Section 31.1 Supplements](#)
- Operations Memo [17-17](#)
- 7 C.F.R § 273.17 and § 274.2

**EFFECTIVE DATE**

Immediately

**PURPOSE**

The purpose of this Operations Memo is to clarify and provide guidance for the policy and process for FoodShare replacement issuances for destroyed food. The content in this Memo only applies to replacement FoodShare issuance and does not address Disaster Supplemental Nutrition Assistance Program (DSNAP) policy. DSNAP policy is only applicable when a Presidential Disaster Declaration with Individual Assistance occurs.

**BACKGROUND**

Due to seasonal storms and flooding, there has been an increase in requests for replacement FoodShare issuance due to claimed loss. Since the Wisconsin Department of Health Services (DHS) has received questions regarding the replacement policy, this Memo offers guidance and clarification.

The U.S. Food and Drug Administration published a [Food Facts guide](#) that details safety steps that can be taken during power outages and floods. This guide contains information about food safety that was used in the development of the clarification provided in this Memo.

## **POLICY**

### ***FILING A REQUEST FOR REPLACEMENT***

When food purchased with FoodShare benefits is destroyed due to household misfortune, a food unit can request replacement FoodShare issuance up to the actual amount destroyed, not to exceed more than the monthly allotment actually issued to the group in that month. To request replacement FoodShare issuance, a food unit must do both of the following:

- Report the loss orally or in writing to an income maintenance agency within 10 days of the date the loss occurred.
- Complete a [Request for Replacement FoodShare Benefits form](#) (F-00330). The completed form can be dropped off at an income maintenance agency or mailed or faxed to an agency. The agency must receive the form within 10 days of when the food unit reports the loss.

A loss of food may occur more than once over the lifetime of a case or a member's participation. There is no limit to the number of replacement issuances that can be requested. However, only one replacement can be granted for a benefit month, and only the amount that is claimed lost can be replaced, up to the maximum benefit issued in that month.

When the governor declares a state of emergency in an area as a result of severe weather, income maintenance (IM) agencies should communicate to DHS if there are factors within their agency or community that may prohibit people from reporting food loss within the 10-day period. In these situations, it may be possible for the timeframe to report food loss to be extended to 30 days. DHS will submit a waiver to the Food and Nutrition Service requesting the timeframe for reporting food losses be extended and will follow up with IM agencies if the waiver is approved.

### ***APPROVING AND DENYING A REQUEST FOR REPLACEMENT***

Household misfortune may include, but is not limited to, food destroyed or spoiled due to any of the following:

- Fire.
- Flooding.
- An appliance malfunction.
- Power outage of four or more hours. **Note:** If the sole reason for a claimed loss of food is due to power outage and spoilage of perishable frozen or refrigerated foods, a request for replacement may be denied if the total time of the power outage was fewer than four hours. If a power outage lasting fewer than four hours is only one reason for the claimed loss, then the request may be approved based on the other household misfortunes. All circumstances surrounding the claimed loss should be taken into account prior to denying a request for replacement.
- Natural disaster.
- Insect infestation.

IM workers must verify household misfortune. The misfortune can be verified through sources such as the fire department, the police department, a community organization (for example, the Red Cross), a collateral contact, or a home visit. Since the list of household misfortunes is not all inclusive, workers will also need to evaluate each claim of loss and the circumstances surrounding each claim when making a decision to approve or deny the request.

If a request is approved, CARES Worker Web will send a letter titled “You Are Getting One-Time FoodShare Benefits,” and further communication to the food unit is not necessary. If a request is denied, workers must manually complete and send the [Notice of Denial of Benefits/Negative Change in Benefits form](#) (F-16001) to the food unit notifying them of the reason for the denial and their right to request a fair hearing within 90 days.

Regardless of whether the request for replacement is approved or denied, the reason and details surrounding the request and determination must be documented in case comments.

### ***FAIR HEARING***

If a fair hearing is requested disputing eligibility for a replacement or for the amount of the replacement, the replacement should be withheld until the appeal process is complete.

### **CARES**

There are no CARES changes with this Memo.

### **CONTACTS**

BEPS CARES Information and Problem Resolution Center

DHS/DMS/BEPS/CH