



**SENATE AMENDMENT 20,
TO 1995 ASSEMBLY BILL 591**

March 13, 1996 – Offered by Senators MOORE, WINEKE, RISSER, GEORGE and JAUCH.

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 3, as follows:

3 **1.** Page 83, line 19: delete “Wisconsin works under s. 49.147 (1) to (5)” and
4 substitute: “any component of Wisconsin works”.

5 **2.** Page 83, line 23: delete “Wisconsin works agency” and substitute
6 “department”.

7 **3.** Page 84, line 1: delete lines 1 to 25 and substitute:

8 “(2) REVIEW. Upon receipt of a timely petition under sub. (1), the department
9 shall give the applicant or participant reasonable notice and opportunity for a fair
10 hearing. The department may make such additional investigation as it considers
11 necessary. Notice of the hearing shall be given to the applicant or participant and
12 to the county clerk. The Wisconsin works agency may be represented at the hearing.
13 The department shall render its decision as soon as possible after the hearing and
14 shall send a certified copy of its decision to the applicant or participant, the county
15 clerk and the Wisconsin works agency. The decision of the department shall be final,
16 but may be revoked or modified as altered conditions may require. The department

1 shall deny a petition for a hearing or shall refuse to grant relief if any of the following
2 applies:

3 (a) The applicant or participant withdraws the petition in writing.

4 (b) The sole issue in the petition concerns an automatic grant adjustment or
5 change for a class of participants as required by state or federal law.

6 (c) The applicant or participant abandons the petition. Abandonment occurs
7 if the applicant or participant fails to appear in person or by representative at a
8 scheduled hearing without providing the department with good cause therefor.

9 **(3) SUSPENSION OF BENEFITS.** If a participant requests a hearing in a timely
10 manner, benefits shall not be suspended, reduced or discontinued until a decision is
11 rendered after the hearing but may be recovered by the department if the contested
12 decision or failure to act is upheld. Until a decision is rendered after the hearing, the
13 manner or form of benefit payment to the participant shall not change to a protective,
14 vendor or 2-party payment. Benefits shall be suspended, reduced or discontinued
15 if any of the following applies:

16 (a) The participant is contesting a state or federal law or a change in state or
17 federal law and not the participant's benefit computation.

18 (b) The participant is notified of a change in his or her benefit while the hearing
19 decision is pending but the participant fails to request a hearing on the change.

20 **(4) NOTICE TO PARTICIPANT.** The participant shall be promptly informed in
21 writing if benefits are to be suspended, reduced or terminated pending the hearing
22 decision.

23 **(5) RETROACTIVE BENEFITS.** If the department reverses a decision of the
24 Wisconsin works agency to deny an application for a Wisconsin works employment

1 position based solely on a determination of financial ineligibility, the petitioner shall
2 receive, retroactive to the date that the Wisconsin”.

3 (END)