



**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/171339

PRELIMINARY RECITALS

Pursuant to a petition filed January 12, 2016, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Dunn County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on February 16, 2016, at Menomonie, Wisconsin.

The issue for determination is whether the county agency correctly determined the petitioner's FoodShare allotment.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

|

Respondent:

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

By: [REDACTED]

Dunn County Department of Human Services
808 Main Street
PO Box 470
Menomonie, WI 54751

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Dunn County.
2. The petitioner began receiving \$356 per month in unemployment benefits on December 2, 2015.
3. The petitioner has no earned income and does not pay any rent or child support.

4. The petitioner lives alone.
5. The petitioner is 25 years old.
6. The county agency reduced the petitioner's FoodShare allotment to \$16 per month as of February 1, 2016.

DISCUSSION

The amount of FoodShare one receives depends upon household size and net income. Net income is determined after subtracting from gross income those deductions—and only those deductions—found in 7 CFR § 273.9(d). The agency reduced the petitioner's FoodShare allotment to \$16 per month after she began receiving unemployment benefits.

The petitioner lives alone and receives \$356 per month in unemployment benefits. Monthly income is determined by multiplying weekly income by 4.3; 4.3 rather than four is used because this is the number of weeks in the average month. Multiplying her weekly income by 4.3 gives \$1,530.80. This is considered unearned income. She is entitled to the \$155 standard deduction allowed for households with up to three members. *FoodShare Wisconsin Handbook*, § 4.6.2 and 8.1.3; 7 CFR § 273.9(d)(1). She is not entitled to any other deductions because she does not have any earned income or pay any rent or child support. Nor is disabled or over 60, which would entitle her to a medical deduction if her medical expenses exceeded \$16 per month. She did submit documentation of a number of debts, but because these debts are not deductions allowed by 7 CFR § 273.9(d), I cannot consider them. This means that her net income is \$1,375.80. The FoodShare allotment for a one-person household with this net income is \$16, the amount the agency correctly determined. See *FoodShare Wisconsin Handbook*, § 8.1.2.

CONCLUSIONS OF LAW

The county agency correctly determined that the petitioner is entitled to \$16 of FoodShare each month.

THEREFORE, it is

ORDERED

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, 5005 University Avenue, Suite 201, 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, Madison, Wisconsin 53703, **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 17th day of February, 2016

\sMichael D. O'Brien
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 February 17, 2016.

Dunn County Department of Human Services
Division of Health Care Access and Accountability