



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

In the Matter of



DECISION

Case #: FOO - 175120

PRELIMINARY RECITALS

Pursuant to a petition filed on June 20, 2016, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Manitowoc County Department of Human Services regarding FoodShare benefits (FS), a hearing was held on August 23, 2016, by telephone.

This hearing was originally scheduled for July 21, 2016. On the date of hearing, Manitowoc County Department of Human Services indicated that it had received a note from the Petitioner asking to reschedule the hearing for some time between July 25, 2016 and July 29, 2016. The note did not state any reason for the adjournment request.

An attempt was made to call the Petitioner to ascertain whether she had good cause for her adjournment request, but without success. A message was left for her to call back and explain why she needed an adjournment and that if she did not return the call, her appeal would be dismissed as abandoned. The Petitioner did not return the phone call.

On July 25, 2016, a decision was issued dismissing the appeal as abandoned.

On July 27, 2016, the Petitioner submitted a rehearing request, indicating that she had been requesting the adjournment, because she was waiting for information from the CDPU (Consortium Document Processing Unit) to use at her hearing. Good Cause was found to grant the rehearing request and the matter was scheduled for August 23, 2016. The hearing took place as scheduled.

The issue for determination is whether the Manitowoc County Department of Human Services (the agency) correctly determined the Petitioner's FoodShare allotment for May, June and August 2016.

NOTE: Per Petitioner request, a copy of the Food Stamp Issuance History Disbursement has been sent to her with a copy of this decision. It was not marked as an exhibit, but was referenced at the hearing.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Health Services

1 West Wilson Street, Room 651
Madison, WI 53703

By: [REDACTED], Economic Support Worker
Manitowoc County Department of Human Services
3733 Dewey Street
Manitowoc, WI 54221-1177

ADMINISTRATIVE LAW JUDGE:
Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Manitowoc County.
2. On May 25, 2016, the Petitioner notified the agency that her employment ended. The agency processed the change and issued \$194.00 in FoodShare benefits to the Petitioner for the month of June 2016. (Testimony of [REDACTED]; Food Stamp Issuance History Disbursement)
3. On June 2, 2016, the agency received a letter from the Petitioner indicating that she found new employment with a graphic arts firm. (Exhibit 3)
4. The Petitioner provided verification of her income on June 22, 2016. (Exhibit 4)
5. The Petitioner received \$194.00 in FoodShare benefits for July 2016, because she provided her income verification less than 10 days before July 1, 2016. As such, the change was not considered effective until August 1, 2016. (Testimony of [REDACTED]; Exhibits 5 and 6; FoodStamp Issuance History Disbursement)
6. The Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on June 20, 2016. (Exhibit 1)
7. On June 23, 2016, the agency sent the Petitioner a notice, advising her that her benefits would be reduced from \$194.00 to \$16.00 per month effective August 1, 2016. (Exhibit 6)
8. On July 18, 2013, the Petitioner contacted the agency to advise them that her employment with graphic arts firm ended. (Exhibit 7)
9. The agency re-determined the Petitioner's August benefits and on July 19, 2016, the agency sent the Petitioner a notice indicating that as of August 1, 2016, she would receive \$194.00 in FoodShare benefits. (Exhibit 8)
10. The Petitioner had a household of one; paid \$355 in rent and had a heating expense. (Exhibit 5)

DISCUSSION

To be categorically eligible, most FoodShare groups must have income at or below 200% of the Federal Poverty Level (FPL). *FoodShare Wisconsin Handbook (FSH) §4.2.1.1; 7 CFR 273.2(j)(2)*.

200% of FPL for an assistance group of 1 is \$1,962 per month. *FSH §8.1.1.1*

Because eligibility and benefit calculations are based on prospective budgeting, meaning the agency estimates what an individual's income will be in the future, Petitioner had no countable income for June 2016, since she lost her job in May 2016. (See *FSH §4.1.1*).

Although the Petitioner provided verification of her income in June, the agency received it too late in June to use it to estimate Petitioner's income for July. Consequently, the agency correctly used the same estimate of zero income for July 2016.

The agency was going to use the June 2016 income verification to estimate Petitioner’s income for August, but she lost her job in mid July 2016. As such, the agency correctly estimated the Petitioner’s income for August 2016 to be zero.

Because Petitioner’s income was estimated to be zero for June, July and August 2016, she was categorically eligible for benefits.

Once a household passes the gross income test, the following deductions are applied in determining the household’s net income:

- (1) a standard deduction –
 - This is \$155 per month for a household of 1-3 people, 7 CFR § 273.9(d)(1):
 - \$168 for four people
 - \$197 for five people
 - \$226 for six or more people
- (2) an earned income deduction - which equals 20% of the household's total earned income, 7 CFR § 273.9(d)(2);
- (3) certain medical expenses – for medical expenses exceeding \$35 in a month for an elderly (over age 60), blind, or disabled person, 7 CFR § 273.9(d)(3);
- (4) dependent care deduction for child care expenses, 7 CFR § 273.9(d)(4); and
- (5) shelter and utility expenses deduction the deduction is equal to the excess expense above 50% of net income remaining after other deductions. 7 CFR § 273.9(d)(5).

The standard utility allowances are as follows:

HSUA – Heating Standard Utility Allowance	\$458
LUA – Limited Utility Allowance	\$293
EUA – Electric Utility Allowance	\$119
WUA-Water and Sewer Utility Allowance	\$78
FUA- Cooking Fuel Allowance	\$46
PUA- Phone Utility Allowance	\$30
TUA – Garbage and Trash Utility Allowance	\$20

There is a cap of \$504.00 on the shelter cost deduction, *unless* a household has an elderly, blind or disabled member.

FSH, §§ 4.6.7.1 and 8.1.3.

Petitioner had no income. Applying the applicable deductions to Petitioner’s case for June, July and August 2016 would still yield net income of zero.

Gross Income	\$0	Rent	\$355.00
Earned Income Deduction	-\$0	HSU	+\$448.00
Standard Deduction	-\$155.00	-50% net income	-\$0
No Medical Expenses exceeding \$35	-\$0	<u>before shelter deduction</u>	
Dependent Care Expenses	-\$0	Excess Shelter Expense: \$504 maximum	
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Net Income before shelter deduction	\$0		
Excess Shelter Expense	- \$504		
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Net Income \$0

Households one with a net income of \$zero are entitled to FoodShare benefits in the amount of \$194.00 per month. *FSH §8.1.2*

CONCLUSIONS OF LAW

The agency correctly determined the Petitioner’s Foodshare benefits for the months of June 2016, July 2016 and August 2016.

THEREFORE, it is ORDERED

That the petition 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, **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 Milwaukee,
Wisconsin, this 25th day of August, 2016

\s _____
Mayumi M. Ishii
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 August 25, 2016.

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