



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

FOO/143358

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 21, 2012, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Douglas County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on September 18, 2012, at Superior, 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]

Respondent:

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

By: Kevin Giersdorf

Douglas County Department of Human Services  
1316 North 14Th Street  
Suite 400  
Superior, WI 54880

**ADMINISTRATIVE LAW JUDGE:**

Michael D. O'Brien  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [REDACTED]) is a resident of Douglas County.

2. The petitioner is an ongoing FoodShare recipient. She was receiving \$218 per month. This allotment was scheduled to increase to \$369 per month on October 1, 2012. The agency issued a supplemental payment for September 2012.
3. The petitioner received \$320.92 per month in child support until May 15, 2012. She did not report that child support ended until August 2012.

### DISCUSSION

The size of a FoodShare allotment depends upon net income and household size. All income counts toward gross income unless it is specifically excluded. 7 CFR § 273(b) and (d). Child support receipts are not excluded from income. The petitioner had been receiving child support, but that support ended either in March 2012 (according to the petitioner) or May 2012 (according to records from KIDS, the state's computerized child support database). However, she did not report the change until August 2012. FoodShare rules hold that "[a]ll reported changes that cause an increase in the FS benefit... will be effective the first of the month following the report month," what is relevant is not when the benefits ended but rather when she reported that they ended. See *FoodShare Wisconsin Handbook*, § 6.1.3.3.; *see also*, 7 CFR 273.12(c)(1). Relying upon this rule, the agency correctly waited until September to increase her benefits. Because she concedes that the agency correctly listed all of her other sources of income and she does not challenge any of the agency's calculations, I find that the agency correctly determined her child support.

### CONCLUSIONS OF LAW

The petitioner was not entitled to an increase in FoodShare until September 2012 because she did not report that her child support had ended, which reduced her income, until August 2012.

**THEREFORE, it is**

**ORDERED**

The petitioner's appeal is dismissed.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Madison,  
Wisconsin, this 18th day of October, 2012

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Michael 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 October 18, 2012.

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