



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

FOO/145037

PRELIMINARY RECITALS

Pursuant to a petition filed November 5, 2012, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Racine County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on December 4, 2012, at Racine, Wisconsin.

The issue for determination is whether the agency properly included unemployment compensation benefits in computing petitioner's FS allotment.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Appearing with petitioner:

[REDACTED]

Respondent:

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

By: Kathy Christman, Lead FEP
Racine County Department of Human Services
1717 Taylor Ave
Racine, WI 53403-2497

ADMINISTRATIVE LAW JUDGE:

Michael A. Greene
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Racine County.
2. Petitioner applied for FoodShare (FS) benefits on August 27, 2012 and was found eligible.

3. Information from the agency's CARES system indicated that petitioner was receiving unemployment compensation benefits in the amount of \$340 per week and that he paid \$300 per month in child support (Exhibit 2).
4. The agency included \$1,462 per month as income from petitioner's unemployment insurance and credited the monthly child support. The resulting calculation produced a monthly FS allotment of \$16 (Exhibit 1).
5. A notice of decision advising petitioner of the decrease in his FS allotment was sent October 15, 2012, effective November 1, 2012 (Exhibit 3).

DISCUSSION

FoodShare (FS) is a joint federal-state program that is intended to improve the overall health of lower-income households by enhancing their access to food. Eligibility and benefit levels are generally based on household size and income.

In the present case, unemployment assistance benefits are specifically required to be considered as unearned income, 7 CFR §273.9(b)(2)(ii). Legally obligated child support payments are specifically required to be applied as deductions against income, 7 CFR §273.9(d)(5). The agency correctly applied both items made a correct determination as to petitioner's FS benefit level.

CONCLUSIONS OF LAW

The agency correctly determined petitioner's FS monthly allotment at \$16.

THEREFORE, it is

ORDERED

That the petition for review herein be and hereby 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 served and 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 Milwaukee,
Wisconsin, this 26th day of December, 2012

\sMichael A. Greene
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 December 26, 2012.

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