



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

FOO/144638

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**PRELIMINARY RECITALS**

Pursuant to a petition filed October 19, 2012, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on December 06, 2012, at Milwaukee, Wisconsin.

The issue for determination is whether respondent correct decreased petitioner's FS benefits based on his receipt of unemployment benefits.

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: Mary Hartung  
Milwaukee Enrollment Services  
1220 W Vliet St  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Peter McCombs (telephonically)  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner participates in the FS program, and between at least January, 2011, and October 2012, he received monthly benefits of \$200.00. Exhibit 3.

3. On October 13, 2012, petitioner's Unemployment Compensation was updated (effective November 1, 2012) indicating that petitioner was receiving \$363 per week in unemployment compensation. Exhibit 2.
4. The Department recalculated petitioner's allotment based on this new information and notified him by notice dated October 15, 2012, that his FS allotment would be reduced from \$200 to \$49.00. Exhibit 4.
5. The Division of Hearings and Appeals received a timely request for hearing on October 19, 2012. Exhibit 1.

### **DISCUSSION**

At the time of the hearing in this matter, petitioner did not dispute that he indeed receives the unearned income – unemployment compensation – attributed to him. Petitioner did not dispute any of the calculations by the Department about his case. He explained that he was merely seeking a reconsideration of his case. He testified that he lives frugally and still has difficulty affording necessities. His request for hearing was accompanied by a list of monthly expenses, which he claims leave him with almost nothing left to cover “emergencies, co -pays, and unexpected occurrences.” See, Exhibit 1.

The Department explained that the calculation of FoodShare allotment is a mathematical one. The purpose of the FS program is to ensure that people have access to sufficient healthy foods. While I do not question that additional emergency funds would provide some relief to petitioner, the fact is that FS benefits are not intended for that purpose.

Based on the record before me, I find no error in the respondent's determination here. I have reviewed the calculations, and do not note any error.

### **CONCLUSIONS OF LAW**

The Department did not err in reducing petitioner's FoodShare based on his unearned income.

**THEREFORE, it is**

**ORDERED**

That this 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 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 Madison,  
Wisconsin, this 2nd day of January, 2013

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\sPeter McCombs  
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 January 2, 2013.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability