



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

FOO/145683

PRELIMINARY RECITALS

Pursuant to a petition filed November 29, 2012, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Outagamie County Department of Human Services in regard to FoodShare benefits (FS), a telephonic hearing was held on January 07, 2013, at Appleton, Wisconsin.

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: Katie Woods, ESS

Outagamie County Department of Human Services
401 S. Elm Street
Appleton, WI 54911-5985

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Outagamie County.
2. The petitioner receives FoodShare (FS) benefits for a household of one.
3. The petitioner began full-time employment as a custodian at [REDACTED] and that income was correctly budgeted as earned income in determining petitioner's FS benefits.
4. The county agency sent an October 5, 2012 Notice of Decision to the petitioner stating that his FS benefits would decrease from \$200 to \$16 effective November 1, 2012, due to budgeting his new earned income from [REDACTED].

5. During the January 7, 2013 hearing, the petitioner and the county representative stipulated that: a) the county agency did not provide any deduction for his monthly \$353.68 in child support payments; b) the county agency needs to re-calculate the petitioner's FS benefits retroactive to November 1, 2012, including his child support deduction; and c) the county agency will then issue to the petitioner a new notice of decision to the petitioner explaining in detail the calculation of his FS benefits for a household of one retroactive to November 1, 2012.

CONCLUSIONS OF LAW

The county agency needs to recalculate the petitioner's FS benefits retroactive to November 1, 2012 as stipulated in Finding of Fact #5 above.

THEREFORE, it is

ORDERED

The matter is remanded to the county agency with instructions to: a) re-calculate the petitioner's FS benefits retroactive to November 1, 2012, including his monthly \$353.68 child support deduction; and b) issue a new notice of decision to the petitioner explaining in detail the calculation of his FS benefits for a household of one retroactive to November 1, 2012, within 10 days of the date of this Decision.

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 14th day of January, 2013

\sGary M. Wolkstein
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 14, 2013.

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