



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

FOO/145727

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**PRELIMINARY RECITALS**

Pursuant to a petition filed December 4, 2012, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Rock County Department of Social Services in regard to FoodShare benefits (FS), a hearing was held on January 3, 2013, at Janesville, Wisconsin.

The issue for determination is whether the Department correctly determined the amount of the petitioner's FS for October 2012 onward.

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: Pam Edmonds, ES Supr.  
Rock County Department of Social Services  
1900 Center Avenue  
PO Box 1649  
Janesville, WI 53546

**ADMINISTRATIVE LAW JUDGE:**

Nancy J. Gagnon (telephonically)  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County.
2. The petitioner has had an ongoing FS case for her household of two persons (self, daughter) for at least six months. In September 2012, the household was issued the maximum allotment for two

persons of \$367. For October, November, and December 2012, the household was issued monthly allotments of \$331.

3. On November 13, 2012, the petitioner's case underwent a periodic review. Employment at [REDACTED] was correctly reported, and verification of that income was requested. Verification was received, and the agency concluded that the petitioner was receiving gross earnings of \$493.42 monthly. The other household income was \$134.22 in child support. Rent was \$235. Based on this information, the agency determined that the household continued to be eligible for the maximum \$367 allotment, but that a \$36 recoupment must be pulled from the allotment every month to repay a past overpayment. This recoupment also occurred in October and November 2012, as well as going forward after the review. The agency issued written notice to the petitioner on November 29, 2012, advising that her net allotment (after recoupment) would be \$331 going forward.
4. At hearing, the petitioner reported that her employment at [REDACTED] ended on December 20, 2012.

### DISCUSSION

The petitioner questions the correctness of the calculation of her FS allotment amount for at least December 2012, onward. Specifically, she questioned the agency's use of the \$493.42 monthly earned income figure. The other income amount was not disputed.

The Administrative Law Judge would have allowed the petitioner to submit additional paystubs to support her argument, if it would have made a difference in her allotment. However, reduced income would not have changed the result here, because the petitioner was already (even with \$493 in earnings) getting the maximum FS allotment for two persons. *FS Wisconsin Handbook (FSWH)*, viewable online at [www.emhandbooks.wisconsin.gov/fsh/](http://www.emhandbooks.wisconsin.gov/fsh/), at § 8.1.2, p.1. Because the petitioner is already getting the maximum (minus her overpayment recoupment), I cannot order a higher allotment for her.

### CONCLUSIONS OF LAW

1. The petitioner is currently receiving the maximum FS allotment for a household of two persons, so there is no basis for increasing her allotment.

**THEREFORE, it is**

**ORDERED**

That the petition 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 9th day of January, 2013

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\sNancy J. Gagnon  
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 9, 2013.

Rock County Department of Social Services  
Division of Health Care Access and Accountability