



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

██████ ██████  
████████████████  
████████████████████

DECISION

ENE/148514

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**PRELIMINARY RECITALS**

Pursuant to a petition filed April 02, 2013, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Manitowoc County Department of Human Services in regard to Energy Assistance, a telephonic hearing was held on May 15, 2013, at Manitowoc, Wisconsin.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

██████ ██████  
████████████████  
████████████████████

Respondent:

Department of Administration  
101 East Wilson Street  
Madison, Wisconsin 53703

By: Deb Williquette, ES Supervisor, Energy Services Worker  
Manitowoc County Department of Human Services  
3733 Dewey Street  
Manitowoc, WI 54221-1177

**ADMINISTRATIVE LAW JUDGE:**

Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Manitowoc County.
2. Petitioner applied for Energy Assistance (EA) benefits on March 13, 2013 for a household of six.
3. The county agency denied the petitioner's March 13, 2013 application due to household income above the EA income eligibility limit based upon the three months prior to petitioner's March, 2013 EA application.

4. During the May 15, 2013 hearing, the petitioner and the county agency representative stipulated that based upon the new information from petitioner regarding his March, 2013 EA application, the county will re-calculate the petitioner's household's income eligibility and issue a new, updated notice to the petitioner regarding his eligibility for EA benefits.

### **DISCUSSION**

As dicta, during the May 15, 2013 hearing, petitioner indicated that he intended to re-apply for EA that same day (May 15, 2013) so that the county agency could re-determine his household's EA income eligibility based upon the three prior months (February, March, and April, 2013).

**THEREFORE, it is**

### **ORDERED**

The matter is remanded to the county agency (**Attention: ES Supervisor Deb Williquette**) with instructions to re-calculate the petitioner's household's income eligibility and issue a new, updated notice to the petitioner regarding his eligibility for EA benefits, 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 Administration. 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: 101 East 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 16th day of July, 2013

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\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 July 16, 2013.

Manitowoc County Department of Human Services  
DOA - Energy Assistance