



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/149317

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**PRELIMINARY RECITALS**

Pursuant to a petition filed May 10, 2013, 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 telephonic hearing was held on June 05, 2013, at Janesville, Wisconsin.

The issue for determination is whether there is any remaining issue in dispute regarding the county agency's re-calculation and reduction of petitioner's FS benefits as of June 1, 2013, due to reductions in petitioner's excess medical expense and shelter expense FS deductions.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: Sherry Quirk, ES Supervisor  
Rock County Department of Social Services  
1900 Center Avenue  
PO Box 1649  
Janesville, WI 53546

**ADMINISTRATIVE LAW JUDGE:**

Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County who resides in a household of one.
2. The petitioner received FoodShare (FS) benefits of \$130 for a FS household of one.

3. The petitioner received monthly Social Security of \$1,266.
4. During petitioner's April, 2013 renewal application, the county agency discovered that petitioner had reduced excess medical expense and shelter deductions.
5. The petitioner's monthly excess medical expense deduction (above \$35) decreased from \$212 to \$89.94.
6. The petitioner's monthly shelter deduction decreased from \$685.66 to \$654.62 in mortgage payments.
7. Based upon petitioner's reduced deductions, the county agency re-calculated the petitioner's FoodShare (FS) benefits to be \$19 as of June 1, 2013.
8. The county agency sent an April 25, 2013 Notice of Decision to the petitioner stating that effective June 1, 2013 petitioner's FoodShare (FS) benefits would be reduced from \$130 to \$19, due to reduced FS expense deductions.
9. During the June 5, 2013 hearing, petitioner did not dispute that the county agency correctly re-calculated and reduced his FS benefits as of June 1, 2013, due to reductions in petitioner's excess medical expense and shelter expense deductions.

### **CONCLUSIONS OF LAW**

There is no longer any remaining issue in dispute regarding the county agency's reduction of petitioner's FS benefits from \$130 to \$19 as of June 1, 2013, due to reductions in petitioner's excess medical expense and shelter expense deductions.

**THEREFORE, it is**

**ORDERED**

The petition for review herein be and the same is hereby 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 24th day of June, 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 June 24, 2013.

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