



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/150880

PRELIMINARY RECITALS

Pursuant to a petition filed July 23, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Dane County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on August 13, 2013, at Madison, Wisconsin.

The issue for determination is whether respondent properly denied petitioner's request for FS benefits based upon income in excess of program limits.

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: Megan Thurston

Dane County Department of Human Services
1819 Aberg Avenue
Suite D
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Peter McCombs (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. Petitioner applied for FS benefits on or about May 29, 2013.
3. Respondent denied petitioner's FS application per written notice dated June 20, 2013.

4. Respondent's denial of petitioner's FS application was based upon its determination that petitioner earned income was \$395.00 every other week from [REDACTED] and \$194.90 each week from [REDACTED]. Petitioner also received \$793.78 each month in unearned Supplemental Security Income benefits. The results in gross monthly income of \$2481.10.

DISCUSSION

The net income limit for a FS household of 1 person is \$931.00. *FoodShare Wisconsin Handbook*, § 8.1.1. Here, the agency determined that the petitioner had earned income of \$395.00 every other week from [REDACTED] and \$194.90 each week from [REDACTED]. The agency added the petitioner's Supplemental Security Income benefit (effective June, 2013) of \$793.78, to arrive at a total gross countable income of \$2,481.10. ($\$395 \times 2.15 = \849.25 plus $\$194.90 \times 4.3 = \838.07 [earned income] + \$793.78 [unearned income] = \$2,481.10 [total gross income]).¹ From this, the agency deducted the standard deduction for a one person household of \$149, a 20% earned income deduction of \$337.46, and an excess shelter expense deduction of \$29.68. The petitioner has no dependent care expenses and no reported regular excess medical expenses exceeding \$35. Those are the five categories of allowed deductions from income for FS purposes.

Following this computation, the agency determined that the petitioner's 1 person FS household has net adjusted income after allowable disregards of \$1,964.96, and because this exceeds the net income limit for 1 person of \$931.00, he was found ineligible for FS beginning June 1, 2013. I have reviewed the FS computations and can find no error. Nor has the petitioner identified any error under the computations required by law. Petitioner testified that his employment status has now changed, but that does not impact the determination made by the respondent regarding eligibility in June, 2013. The agency action must be affirmed. The instant appeal is dismissed.

CONCLUSIONS OF LAW

That the county agency correctly discontinued the petitioner's FS effective September 1, 2012, because his net income of \$1,964.96 exceeded the net income limit for 1 person of \$931.00.

THEREFORE, it is

ORDERED

That the petition for review herein be, and the same hereby 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

¹ The 2.13 and 4.3 multipliers are employed to derive an average monthly income and account for the fact that there are slightly more than 4 weeks each month. The respondent is required to employ these multipliers under Wisconsin FS policy.

"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 20th day of September, 2013

\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 September 20, 2013.

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