



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

ENE/151955

PRELIMINARY RECITALS

Pursuant to a petition filed September 6, 2013, under Wis. Admin. Code, §HA 3.03(4), to review a decision by Milwaukee Energy Services in regard to Energy Assistance (EA), a hearing was held on October 9, 2013, by telephone.

The issue for determination is whether the agency issued correct EA benefits.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Administration
101 East Wilson Street
Madison, Wisconsin 53703

By: Luella Ellis, Energy Services Worker

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County.
2. Petitioner applied for EA on September 4, 2013. He reported receiving \$822 monthly Supplemental Security Income (SSI). His utility usage was obtained from the utility company.
3. The agency issued \$257 in heat and electric benefits.
4. In the prior heating season petitioner received \$316 in benefits, and his circumstances have not changed.
5. Each February the agency receives its budgeted EA funds. Typically the agency then issues a supplement to households that received EA benefits prior to February. Petitioner did not receive

a supplement for the prior heating season because he applied in April, 2013, after the February budget amounts were determined. He likely will receive a supplement for the current season.

DISCUSSION

EA is mandated by Wis. Stat., §16.385. The Department of Administration administers the program. §16.385(2)(a). The Department does so by publishing the Wisconsin Energy Assistance Program Operations Manual. The manual must follow the mandate of the statute, but it is up to the Department to specify policies where the statute is silent.

EA is determined according to a formula that takes into account the size of the residence, the size of the household, the cost of fuel, and the household's income for the three months prior to application. During the hearing we reviewed the numbers that were entered into the formula. Petitioner did not dispute any of the numbers.

Petitioner's primary concern was the reduction in benefits from last season. However, Ms. Ellis explained that he likely will receive a supplement in early 2014 when the EA budget is finalized. At this point I conclude that petitioner received the correct amount based upon his income and usage. I cannot judge what supplement he will receive in 2014 since it has not been determined yet.

CONCLUSIONS OF LAW

The agency issued correct EA based upon the Department's formula.

THEREFORE, it is

ORDERED

That 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 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 14th day of October, 2013

\sBrian C. Schneider
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 October 14, 2013.

Energy - Milwaukee County
DOA - Energy Assistance