



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/152082

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 10, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Douglas County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on October 21, 2013, at Superior, Wisconsin.

The issue for determination is whether the county agency correctly determined the petitioner's FoodShare allotment.

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: Tom Ostrander

Douglas County Department of Human Services  
1316 North 14<sup>th</sup> Street  
Suite 400  
Superior, WI 54880

**ADMINISTRATIVE LAW JUDGE:**

Michael D. O'Brien  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [REDACTED]) resides alone in Douglas County.
2. The county agency notified the petitioner on July 11, 2013, that as of July 1, 2013, her FoodShare allotment would decline from \$200 to \$80 per month.

3. The petitioner's income consists of \$793.78 per month in state and federal SSI payments.
4. The petitioner's unreimbursed medical bills average \$11.08 per month.
5. The petitioner's rent is \$125 per month.

### **DISCUSSION**

The size of a FoodShare allotment depends upon net income and household size. Net income is determined after subtracting those deductions—and only those deductions—found in 7 CFR § 273.9(d) from gross income. The agency reduced the petitioner's FoodShare allotment from \$200 to \$80 per month as of July 1, 2013, after her rent fell from \$229 to \$125 and unreimbursed medical expenses from \$376.08 to \$11.08 per month. She receives \$793.78 per month in state and federal SSI payments.

She is entitled to the \$152 standard deduction allowed for households with up to three members. *FoodShare Wisconsin Handbook*, § 4.6.2 and 8.1.3; 7 CFR § 273.9(d)(1). She is not entitled to an earned income deduction because she is not working. *See* 7 CFR § 273.9(d)(2). She has been entitled to the medical deduction available for those whose verified medical expenses exceed \$35 per month but no longer qualifies because her average monthly medical expenses are now less than this. 7 CFR § 273.9(d)(3); *FoodShare Wisconsin Handbook*, §4.6.4.1.

The last deduction she is entitled to is the excess shelter deduction, which equals the amount that housing costs, including a standard utility allowance currently set at \$450, exceed 50% of the net income remaining after all other deductions are subtracted from gross income. *FoodShare Wisconsin Handbook*. §§ 4.6.7 and 8.1.3; 7 C.F.R. § 273.9(d)(6)(ii). Subtracting the \$152 standard deduction from her \$793.78 monthly income leaves her with \$641.78. Half of this is \$320.88. Adding the \$125 she pays in rent to the \$450 standard utility allowance gives her \$575 in shelter costs. This exceeds \$320.88, half of her remaining net income, by \$254.12, which is her shelter deduction. Subtracting this along with her standard deduction from her \$793.78 gross household income leaves her with \$387.66 in net income. The FoodShare allotment for a one-person household with this income is \$80, the amount the county agency correctly allowed the petitioner. *See FoodShare Wisconsin Handbook*, § 8.1.2.

### **CONCLUSIONS OF LAW**

The county agency correctly determined the petitioner's FoodShare allotment.

**THEREFORE, it is**

**ORDERED**

The petitioner's appeal 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 5th day of November, 2013

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\sMichael D. O'Brien  
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 November 5, 2013.

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