



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/153263

PRELIMINARY RECITALS

Pursuant to a petition filed October 31, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the St. Croix County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on December 18, 2013, at New Richmond, 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, Room 651
Madison, Wisconsin 53703

By: Cheryl Odle

St. Croix County Department of Human Services
1445 N. Fourth Street
New Richmond, WI 54017-1063

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of St. Croix County.
2. The Great Rivers Consortium notified the petitioner on September 23, 2013, that as of November 1, 2013, her FoodShare allotment would fall from \$200 to \$62 per month.

3. The petitioner reported in September 2013 that she had a child and that the child's father was now living with her.
4. The father of the petitioner's child earns \$2,480.78 per month.
5. The petitioner pays \$755 per month in rent.

DISCUSSION

The size of a FoodShare allotment depends upon household size and net income. After the petitioner had a child, the child's father moved in with her. This caused her household size to increase from one to three but also caused her income to increase from nothing to \$2,480.70 per month. As a result, the agency reduced her FoodShare from \$200 to \$62 per month. She does not dispute any of the facts submitted by the agency but contends that she requires more than this to live off from.

Net income is determined after subtracting those deductions—and only those deductions—found in 7 CFR § 273.9(d) from gross income. The petitioner 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 also entitled to an earned income deduction equal to 20% of her household's \$2,480.78 earned income, or \$496.14. *See* 7 CFR § 273.9(d)(2). Finally, she is entitled to the 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. The maximum allowed for this deduction is \$478. *FoodShare Wisconsin Handbook*, § 4.6.7; 7 C.F.R. § 273.9(d)(6)(ii); *FoodShare Wisconsin Handbook*, § 8.1.3. After considering the petitioner's \$755 monthly rent plus the \$450 standard utility deduction, the agency used this formula to allow her a \$473.19 shelter deduction. After adding this to the remaining deductions, it correctly determined that someone with her net income and household size is entitled to \$62 in FoodShare. *FoodShare Wisconsin Handbook*, § 8.1.2. I am aware that she believes that she requires more to meet her needs. However, I must base her allotment on what the law allows.

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, Room 651, 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 18th day of December, 2013

\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 December 18, 2013.

St. Croix County Department of Human Services
Division of Health Care Access and Accountability