



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/154966

PRELIMINARY RECITALS

Pursuant to a petition filed January 21, 2014, 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 March 03, 2014, at Madison, Wisconsin.

The issue for determination is Whether the Department erred in its termination of petitioner's FoodShare benefits effective February 1, 2014.

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: Olivia Ruiz

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

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. Petitioner applied for FS in December for his two-person household. He indicated zero income as his employment had ended.

3. Petitioner informed the agency at application that he had applied for unemployment compensation. The agency confirmed that the unemployment had not yet begun.
4. Petitioner received FS for December and January.
5. In January, the agency checked unemployment income and confirmed that petitioner was receiving unemployment of \$363 per week and his wife was receiving \$322 per week.
6. The Department sent notice to petitioner on January 17, 2014 notifying petitioner that his FS would be terminated effective February 1, 2014 due to income exceeding income limits of the program.
7. Petitioner appealed.

DISCUSSION

Petitioner’s argument at hearing was based on some miscommunication or confusion. Petitioner asked why his FS would be terminated in February because the agency was aware that he had applied for and would be receiving the unemployment income. The miscommunication appears to have been that petitioner was unaware that the agency counted a zero income at the time of application, and that the agency was waiting for the petitioner to actually begin receiving the income before it would budget it for the household. This actually benefitted petitioner as his household did receive two months of FS. Had the agency counted the unemployment income at time of application, petitioner would not have received anything. The gross income of the two-person household exceeds the gross income limit of the FS program.

CONCLUSIONS OF LAW

The Department did not err in terminating FS effective February 1, 2014 due to the household’s income exceeded the gross income limit for the program.

THEREFORE, it is **ORDERED**

That this matter is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law of if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or 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 filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of

Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 18th day of March, 2014

\sJohn P. Tedesco
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 March 18, 2014.

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