



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/155365

PRELIMINARY RECITALS

Pursuant to a petition filed February 06, 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 13, 2014, at Madison, Wisconsin. The record was held open to allow petitioner time to submit additional information.

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: Darcy Stecklein

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's ACCESS renewal dated January 17, 2014, indicated that Petitioner pays \$1,000.00 rent and is responsible for utilities. Petitioner excess medical expenses were updated and removed based upon the ACCESS renewal and information provided by petitioner.
3. Respondent issued a notice to Petitioner on February 3, 2014, indicating that petitioner's FS allotment would be reduced from \$189.00 to \$15.00 effective March 1, 2014, based upon monthly social security income of \$1616.00 and a reduction in medical expenses.
4. Petitioner timely appealed the February 3, 2014, notice.

DISCUSSION

In determining the amount of FS to be issued each month, the county must budget all of the recipient's nonexempt income. 7 C.F.R. §273.9(b). From that income, certain deductions are allowed. The deductions include a standard deduction, which currently is \$152 per month. 7 C.F.R. §273.9(d)(1); FS Handbook, § 8.1.3. Another deduction is the earned income deduction, which equals 20% of the household's total earned income. 7 C.F.R. §273.9(d)(2); Id. A third possible deduction is for medical expenses exceeding \$35 in a month. 7 C.F.R. §273.9(d)(3); Id. A fourth deduction is for child/dependent care. 7 C.F.R. §273.9(d)(4); Id. The final deduction is for shelter expenses; the deduction is equal to the excess expense above 50% of net income remaining after other deductions. 7 C.F.R. §273.9(d)(5); Id.

Petitioner reported to the respondent in her ACCESS renewal that she pays for utilities. Although her notice does not say so, the FS calculation provides for a utility amount that is added to the rent in determining her shelter deduction. Petitioner testified regarding costs that she incurs related to her adult children, ages 20, and 22; such costs are not deducted for FS purposes.

I reviewed the respondent's calculations for March, 2014, and they are correct. Petitioner's gross income is \$1616.00 per month, and petitioner received appropriate deductions – a standard deduction of \$152.00 and a shelter deduction of \$718.00. That leaves net adjusted income of \$746.00; 30% of the net adjusted income is \$223.80, which exceeds the maximum FS allotment of \$189.00. As such, petitioner is entitled to only \$15.00 FS.

At the hearing petitioner stated that she does or will have medical expenses that the respondent needs to consider. If that is the case she needs to report the change and the county will adjust her budget again for future FS. The Division of Hearings and Appeals does not have authority to make that change; this decision only concerns whether the agency correctly reduced FS effective March 1, 2014. Based upon the information that petitioner provided in her ACCESS renewal regarding her increase in Social Security and excess medical expenses, I cannot find any error on the part of the respondent.

CONCLUSIONS OF LAW

The county correctly determined petitioner's FS allotment effective March 1, 2014.

THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby 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 or 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 10th day of April, 2014.

\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 April 10, 2014.

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