



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/155383

PRELIMINARY RECITALS

Pursuant to a petition filed February 07, 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 telephone hearing was held on March 13, 2014.

The issue for determination is whether the respondent correctly reduced petitioner's FS benefits.

There appeared at that time 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: Paul Unger

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

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County who receives FS benefits for a household of two.
2. On January 24, 2014, petitioner completed a telephone review, wherein she reported an increase in gross income and a decrease in shelter costs and child care costs. See Exhibits 3 and 4.

3. The county agency sent a January 27, 2014, Notice of Decision to the petitioner stating that effective March 1, 2014, her FS would be reduced from \$285.00 to \$15.00 based upon an increase in gross income and a decrease in shelter costs and child care costs. Exhibit 5A.

DISCUSSION

In determining the amount of FS to be issued each month, the county must budget all income of the FS household, including all earned and unearned income. 7 C.F.R. §273.9(b). From the gross household income, certain deductions as discussed in the *FoodShare Wisconsin Handbook*, §4.6 are allowed: (1) standard deduction - which currently is \$152 per month for all households of 1-3 people. 7 C.F.R. §273.9(d) (1); (2) earned income deduction - which equals 20% of the household's total earned income. 7 C.F.R. §273.9(d) (2); (3) medical expense deduction – for medical expenses exceeding \$35 in a month. 7 C.F.R. §273.9(d) (3); (4) dependent care deduction for child care expenses. 7 C.F.R. §273.9(d) (4); and (5) shelter expenses deduction - 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). The maximum FS allotment amounts, based on household size, are listed at *FoodShare Wisconsin Handbook*, §8.1.2. The *FS Handbook* can be viewed online at <http://www.emhandbooks.wi.gov/fsh/>.

At hearing, the county agency representative provided petitioner with a detailed explanation regarding the calculation of the reduction in her FS benefits, and testified that the agency is simply following FS law and policy. Respondent's representatives explained in Exhibits 3 and 4 how the petitioner's budget had changed, and how her benefits had been calculated to be \$15 as of March 1, 2014.

The petitioner was unable to refute the respondent's testimony as to the veracity of its information and/or its calculations. She conceded the increase in gross income, as well as the decrease in shelter and child care costs. She questioned how the relatively minor financial changes could result in such a large decrease in benefits, and raised the issue of her inability to feed her household on \$15.00 per month.

The petitioner's January 24, 2014, reported changes affected her FS budget and allotted benefits. See Exhibits 3 and 4. I have reviewed the county agency's calculation of petitioner's FS benefits based upon FS policy and law, I find no error. While I certainly sympathize with petitioner's financial situation, I am unable to discern any incorrect calculation by the county agency. Accordingly, for the above reasons, I conclude that the county agency correctly reduced petitioner's FS benefits effective March 1, 2014, based upon an increase in her FS household's income and a decrease in her shelter and child care costs.

CONCLUSIONS OF LAW

The county agency correctly reduced petitioner's FS benefits effective March 1, 2014, due to an increase in her FS household's income and a decrease in her shelter and child care costs.

NOW, 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 16th 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 16, 2014.

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