



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/156396

PRELIMINARY RECITALS

Pursuant to a petition filed March 28, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Columbia County Health & Human Services in regard to FoodShare benefits (FS), a telephone hearing was held on April 23, 2014.

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

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: Jeanette Gessner

Columbia County Health & Human Services
2652 Murphy Rd
PO Box 136
Portage, WI 53901

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Columbia County.

2. On February 4, 2014, respondent received a copy of petitioner's lease verifying petitioner's rent expense of \$1,495, which was an increase from \$1,100.00. Exhibit 3-1. As a result petitioner's FS allotment increased from \$202.00 to \$218.00 as of March, 2014.
3. On March 6, 2014, respondent processed a notification that petitioner's household size changed from 5 people to 4 people, and her household income decreased as well. See, Exhibits 3-4 and 3-5. As a result, petitioner's FS allotment increased from \$218.00 to \$232.00 as of April, 2014.
4. On April 3, 2014, petitioner filed a Request for Fair Hearing contesting her FS allotment.

DISCUSSION

In determining the amount of FS to be issued each month, the county must budget all of the recipient's household 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 \$163 per month for a household of four. 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); FS Handbook, § 4.6.3. A third possible deduction is for medical expenses exceeding \$35 in a month for elderly or disabled persons. 7 C.F.R. §273.9(d)(3); FS Handbook, § 4.6.4. A fourth deduction is for child/dependent care. 7 C.F.R. §273.9(d)(4); FS Handbook, § 4.6.6. 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); FS Handbook, § 4.6.7.

The gross income limit for a household of four is \$3,926.00. Handbook, § 8.1.1. The net income limit for a household of four is \$1,963.00. Handbook, § 8.1.1.

Petitioner argues that FS allotment increase noted at Finding of Fact no. 3, above, is insufficient given the drop in household income. Petitioner does not contest the respondent's income figures established for petitioner's household. I have reviewed the FS budget presented by the respondent and find no error. Petitioner received all deductions for which she was eligible, including earned income, shelter, and the standard deduction.

CONCLUSIONS OF LAW

The county correctly determined the FS allotment for petitioner's four member FS household.

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 30th day of May, 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 May 30, 2014.

Columbia County Health & Human Services
Division of Health Care Access and Accountability