



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

██████████ ██████████
████████████████████
██

DECISION

ENE/156860

PRELIMINARY RECITALS

Pursuant to a petition filed April 11, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Columbia County Health & Human Services in regard to Energy Assistance (Wisconsin Home Energy Assistance Program or WHEAP or EA), a hearing was held on June 3, 2014, by telephone.

The issue for determination is whether the agency correctly denied the petitioner's March 2014 EA application due to excess income.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

██████████ ██████████
████████████████████
██

Respondent:

Department of Administration
101 East Wilson Street
Madison, Wisconsin 53703

By: Judy Wiersma, Energy Services Worker
Energy Services of Columbia County.
2652 Murphy Rd
PO Box 136
Portage, WI 53901

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Columbia County.

2. The petitioner applied for Energy Assistance on March 10, 2014. The state agency issued written notice of denial of EA on approximately March 20, 2014. The basis for denial was excess income, based on a three-month period.
3. The petitioner had a household of four persons and has been living in a single family house at [REDACTED], Wisconsin. During the three months preceding application, the household's countable income totaled \$12,614.68.

DISCUSSION

For Energy Assistance purposes, the agency must consider all gross income received in the three months preceding application. *Wisconsin Home Energy Assistance Program, Program and Operations Manual (WHEAP POM)*, §2.2.2 (August, 2013), at <http://homeenergyplus.wi.gov/refcenter.asp>. No deductions are allowed unless specifically exempted. *Id.* If gross income is above the income limit, the household cannot qualify for Energy Assistance. *Id.*, 2.3.1.

The program's income limit for a household of four persons is currently \$11,871.00 for three months. *See*, website above, "Program Descriptions" button (viewed June 2014). Thus, denial of the March application was correct. The petitioner reports that her household income has decreased, so she has correctly filed a new EA application, and is awaiting a decision on the same.

CONCLUSIONS OF LAW

1. The agency correctly denied the petitioner's March 2014 EA application, due to excess income.

THEREFORE, it is

ORDERED

That the petition 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 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 Administration, 101 East Wilson Street, 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 5th day of June, 2014

\sNancy J. Gagnon
Administrative Law Judge
Division of Hearings and Appeals
ENEfinInc



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on June 5, 2014.

Columbia County Health & Human Services
DOA - Energy Assistance