



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/157142

PRELIMINARY RECITALS

Pursuant to a petition filed April 25, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Winnebago County Department of Human Services in regard to FoodShare benefits (FS), a telephonic hearing was held on June 02, 2014, at Oshkosh, Wisconsin.

The issue for determination is whether there is any remaining issue in dispute regarding the county agency's reduction of petitioner's FS benefits as of April 1, 2014, due to an increase in petitioner's unearned income (federal and state SSI benefits).

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: Leslie Vosters, ESS

Winnebago County Department of Human Services
220 Washington Ave.
PO Box 2187
Oshkosh, WI 54903-2187

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Winnebago County who resides in a household of one.
2. The petitioner received FoodShare (FS) benefits of \$146 for a FS household of one.

3. The petitioner received monthly Social Security of \$664.00.
4. During March, 2014, the county agency learned that petitioner began receiving State SSI of \$83.78 and federal SSI of \$77.00 for a total of \$160.78.
5. Based upon petitioner's increase in her unearned income (State and federal SSI), the county agency re-calculated the petitioner's FoodShare (FS) benefits to be \$74.00 as of April 1, 2014.
6. The county agency sent a March 4, 2014 Notice of Decision to the petitioner stating that effective April 1, 2014, petitioner's FoodShare (FS) benefits would be reduced from \$146 to \$74, due to an increase in petitioner's unearned income.
7. After hearing the county's case during the June 2, 2014 hearing, petitioner agreed that she was no longer disputing that the county agency correctly re-calculated and reduced her FS benefits as of April 1, 2014, due to an increase in her unearned income (federal and State SSI).

CONCLUSIONS OF LAW

There is no longer any remaining issue in dispute regarding the county agency's reduction of petitioner's FS benefits from \$146 to \$74 as of April 1, 2014, as petitioner was no longer disputing that reduction due to an increase in her unearned income.

THEREFORE, it is

ORDERED

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 4th day of June, 2014

\sGary M. Wolkstein
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 June 4, 2014.

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