



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

ENE/157297

PRELIMINARY RECITALS

Pursuant to a petition filed April 28, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Dunn County Department of Human Services in regard to Energy Assistance, a hearing was held on June 12, 2014, at Menomonie, Wisconsin.

The issue for determination is whether the petitioner is entitled to additional Energy Assistance.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Administration
101 East Wilson Street
Madison, Wisconsin 53703

By: Misty Berg, Energy Services Worker
Dunn County Department of Human Services
808 Main Street
PO Box 470
Menomonie, WI 54751

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner is a resident of Dunn County.
2. The petitioner lives in government-subsidized housing. Her heat is included in her rent.
3. The petitioner received assistance for electrical payments in April 2014.

DISCUSSION

Energy Assistance is a state-run program established by federal law. *See* 42 USC § 8621, et seq. and Wis. Stat. § 16.385. Rules for the program must follow Wisconsin statutes, but where the statutes are silent the Department of Administration may set policies. The petitioner lives in government subsidized housing and does not pay her own heat. She has already received assistance for her electrical costs this year. She seeks further assistance.

“A household may only receive one regular heat benefit and one regular nonheat electric benefit each program year if it is eligible.” *Wisconsin Home Energy Assistance Program, Program and Operations Manual*, p. 1.6. (found online at <http://homeenergyplus.wi.gov/docview.asp?docid=22169>.) Because the petitioner has already received an electrical benefit, she cannot receive another one in the 2013-14 heating season. Those living in government subsidized housing in which heat is included in the rent are not eligible for heating assistance. *Id.*, pp.2.2.5. and 2.2.5.1. Thus, the petitioner cannot receive heating assistance.

CONCLUSIONS OF LAW

1. The petitioner is not entitled to heating assistance because she lives in subsidized housing.
2. The petitioner is not entitled to an additional subsidy for her electrical costs.

THEREFORE, it is

ORDERED

The petitioner's appeal 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 14th day of July, 2014

\sMichael D. O'Brien
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 July 14, 2014.

Dunn County Department of Human Services
DOA - Energy Assistance