



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

ENE/157446

PRELIMINARY RECITALS

Pursuant to a petition filed May 02, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Burnett County Department of Social Services in regard to Energy Assistance, a hearing was held on June 10, 2014, at Siren, Wisconsin.

The issue for determination is whether the county agency properly denied the petitioner energy assistance application because she failed to verify the income of her landlord, who lived with her.

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: Tammy Haupt, Energy Services Worker
Burnett County Department of Social Services
7410 County Road K, #280
Siren, WI 54872

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner is a resident of Burnett County.
2. The petitioner applied for Energy Assistance on March 14, 2014. The county agency denied her application on April 16, 2014, because she had not verified the income of all of the persons in the household.

3. The petitioner's landlord lived in her basement when she applied for Energy Assistance.
4. The petitioner did not provide any of the information the agency requested concerning her landlord within 31 days of when it was requested.

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. Eligibility depends upon a household's income not exceeding 60% of the state average. *Wisconsin Home Energy Assistance Program, Program and Operations Manual*, pp.1-3 and 2-12. (Found online at <http://homeenergyplus.wi.gov/docview.asp?docid=22169>.) Unless the applicant is a seasonal worker or self-employed, financial eligibility is based upon the household's gross income during the three months before the application date. *Id.*, pp. 2-13 and 2-16. Applicants must verify the income of everyone in the household. *Id.*, p.3.19. If an applicant fails to complete an application within 30 days, the agency must deny it and the applicant must reapply. *Id.*, p.3.3.

The petitioner applied for Energy Assistance on March 14, 2014. She indicated that her landlord, who had stayed in a small "fifth-wheel" trailer, had moved into her basement. The agency requested that she verify his income and other information. When she did not do so within 31 days, the agency closed the file. The only issue is whether the petitioner's landlord lived with her. Based upon her own testimony and statement to the agency, I find that he did. Because his income was not verified, the agency correctly denied the application.

CONCLUSIONS OF LAW

The county agency correctly denied the petitioner's application for Energy Assistance because she failed to verify her roommate's income.

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.

Burnett County Department of Social Services
DOA - Energy Assistance