



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/157526

PRELIMINARY RECITALS

Pursuant to a petition filed May 09, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the St. Croix County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on June 12, 2014, at New Richmond, Wisconsin.

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

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: Cheryl Odle

St. Croix County Department of Human Services
1445 N. Fourth Street
New Richmond, WI 54017-1063

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of St. Croix County.
2. The county agency has reduced the petitioner's monthly FoodShare allotment from \$750 to \$244 as of April 1, 2014.
3. The petitioner lives with her husband and their two children.

4. The petitioner's household earned \$28,975 from self-employment in 2013. This comes to \$2,414.58 per month.
5. The county agency allowed the petitioner the maximum shelter deduction.

DISCUSSION

The amount of FoodShare a household receives depends upon the number of persons in the household and their net income. Net income is determined after subtracting those deductions—and only those deductions—found in 7 CFR § 273.9(d) from gross income.

The petitioner lives with her husband and their two children. The county agency reduced her household's monthly FoodShare allotment from \$750 to \$244 as of April 1, 2014. It originally reduced her allotment to \$205, but corrected this in May by issuing her a \$39 supplemental payment. It is difficult to determine exactly how the county agency arrived at any of these figures because it did because it did not include its calculations or a notice of decision with the documents it submitted online.

The petitioner's gross household income is based upon her 2013 federal income tax return, which indicates that after allowable business expenses her household earned \$28,975 from self-employment. This comes to \$2,414.58 per month. She is entitled to the \$163 standard deduction allowed for households with four members. *FoodShare Wisconsin Handbook*, § 4.6.2 and 8.1.3; 7 CFR § 273.9(d)(1). She is also entitled to an earned income deduction equal to 20% of her household's \$2,414.58 earned income, or \$482.92. *See* 7 CFR § 273.9(d)(2). Finally, she is entitled to the shelter deduction, which equals the amount that housing costs, including a standard utility allowance currently set at \$450, exceed 50% of the net income remaining after all other deductions are subtracted from gross income. *FoodShare Wisconsin Handbook*. §§ 4.6.7 and 8.1.3; 7 C.F.R. § 273.9(d)(6)(ii). Regardless of the amount derived from this formula, the maximum allowed for the shelter deduction is \$478. *FoodShare Wisconsin Handbook*, § 8.1.3. The county agency concedes that the petitioner is entitled to the \$478 maximum deduction. There is no need to verify its calculation of this expense because even if it is wrong the petitioner cannot get a larger deduction.

Subtracting the three deductions the petitioner is allowed—the \$161 standard deduction, the \$482.92 earned income deduction, and the \$478 maximum shelter deduction—from her \$2,414.58 gross income leaves \$1,292.66 in countable monthly net income. The monthly FoodShare allotment for a four-person household, the size of the petitioner's, with this income is \$244. *FoodShare Wisconsin Handbook*, § 8.1.2. Because this is the amount the petitioner receives, the agency's decision is upheld.

CONCLUSIONS OF LAW

The county agency correctly determined the petitioner's FoodShare allotment.

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 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 27th day of June, 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 June 27, 2014.

St. Croix County Department of Human Services
Division of Health Care Access and Accountability