



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/157954

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**PRELIMINARY RECITALS**

Pursuant to a petition filed May 23, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Sauk County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on July 24, 2014, by telephone. A hearing set for June 19, 2014, was rescheduled at the petitioner's request.

The issue for determination is whether the county agency failed to timely process a deduction expense change affecting the petitioner's FS allotments from March 2014 forward.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

By: [REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: Julie Arendsee, ES Supr.  
Sauk County Department of Human Services  
505 Broadway, 4th Floor  
PO Box 29  
Baraboo, WI 53913

**ADMINISTRATIVE LAW JUDGE:**

Nancy J. Gagnon  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is an elderly resident of Sauk County.

2. The petitioner has an ongoing FS case as a household of two persons (self and spouse).
3. On February 17, 2014, the petitioner filed an Elderly/Blind/Disabled MA application for himself. His wife is already on MAPP. With that application, he included verification of significant medical bills that have not been paid. He wrote on his application that he wished to have the medical bills considered in his FS allotment calculations.
4. Up to the date of hearing, the agency failed to consider the increased medical expenses in the FS calculations, apparently due to a staffing shortfall. The medical expense deduction in the FS allotment calculation remained at the same level from December 2013 through July 2014 (\$25.69 plus a \$104.90 Medicare premium).

**DISCUSSION**

At hearing, the agency acknowledged that it had erred in failing to add the verified medical expenses to the amount of the Excess Medical Expense Deduction in the FS calculations. It agreed to make that correction.

**CONCLUSIONS OF LAW**

1. The agency failed to consider the petitioner’s verified medical expenses in computing his FS allotments from March 2014 to the present.

**THEREFORE, it is**

**ORDERED**

That the petition is remanded to the agency with instructions to recalculate the petitioner’s FS allotment from March 1, 2014 through the present month by considering the medical expense verification submitted by the petitioner in February 2014. This action shall be taken within 10 days of the date of this Decision.

**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 25th day of July, 2014

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\sNancy J. Gagnon  
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 25, 2014.

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