



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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/158007

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**PRELIMINARY RECITALS**

Pursuant to a petition filed May 30, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on June 19, 2014, at Milwaukee, Wisconsin.

No issue remains for determination by the Division of Hearings and Appeals.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

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Respondent:

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

By: Katherine May, HSPC Sr.  
Milwaukee Enrollment Services  
1220 W. Vliet St., Room 106  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Mayumi M. Ishii  
Division of Hearings and Appeals

**DISCUSSION**

Petitioner filed this appeal to contest a reduction in her FoodShare benefits, effective June 1, 2014. At the hearing on June 19, 2014, Ms. May explained that effective April 28, 2014, the Department of Health Services changed its policy concerning shelter and utility deductions.

Prior to April 28, 2014, all households, even homeless individuals, receiving FoodShare benefits received a standard utility deduction. See *FoodShare Wisconsin Handbook §4.6.7.3* However, effective April 28,

2014, only households that receive Energy Assistance or that incur an actual heating expense may receive the standard utility deduction. *Wis. Ops. Memo DHS 14-16 Amended*

In a renewal completed on May 30, 2014, the Petitioner indicated that she is homeless. (Exhibit 2, pg. 13) In addition, the Petitioner did not report any heating expenses. (Id.)

Ms. May testified that because Petitioner reported that she is homeless and did not report an actual heating expense, she did not receive a deduction for excess shelter expenses. This, in turn, caused the calculation of Petitioner's net income to increase. Consequently, the Petitioner's FoodShare benefits were reduced.

At the hearing, the Petitioner expressed frustration with the new policy and understandably so. Though Petitioner expressed strong disagreement with the policy change, she did not contest the accuracy of the information provided by Ms. May. Indeed, the Petitioner stated, "Fuck this shit; I don't want this," and walked out of the hearing room.

Based upon the foregoing, it is found that the Petitioner no longer has any issue that she needs resolved by the Division of Hearings and Appeals. If I have misunderstood or misinterpreted the Petitioner's comments and actions, the Petitioner is directed to the rehearing instructions below.

### **CONCLUSIONS OF LAW**

No issue remains for determination by the Division of Hearings and Appeals.

**THEREFORE, it is**

**ORDERED**

That the petition is dismissed.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that

Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 20th day of June, 2014.

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\sMayumi M. Ishii  
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 20, 2014.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability