



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/158569

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**PRELIMINARY RECITALS**

Pursuant to a petition filed June 26, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Fond Du Lac County Department of Social Services in regard to FoodShare benefits (FS), a hearing was held on November 04, 2014, at Fond Du Lac, Wisconsin. At the request of petitioner, hearings set for August 6, 2014, September 4, 2014, and October 7, 2014 were rescheduled.

The issue for determination is whether the county agency correctly reduced the petitioner's FoodShare (FS) benefit from \$497 to \$45 effective July 1, 2014, due to budgeting the petitioner's new employment income.

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: Deborah Bohlman, ESS  
Fond Du Lac County Department of Social Services  
87 Vincent Street  
Fond Du Lac, WI 54935-4595

**ADMINISTRATIVE LAW JUDGE:**

Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Fond Du Lac County who resides in a household of three (petitioner, his wife, and his child).
2. The petitioner has received FoodShare (FS) benefits since 2008.

3. During his annual review application, petitioner reported new employment, and provided verification of his new employment and income from his employer, [REDACTED].
4. Petitioner is employed as a [REDACTED] at [REDACTED] for 40 hours per week at \$11.50 per hour and five hours per week of overtime at \$17.25 per hour. Petitioner's monthly earned income is \$2,348.88 for FS calculation purposes.
5. The county agency sent a July 3, 2014 Notice of Decision to the petitioner that his FS benefits would be reduced from \$497 to \$45 per month effective July 1, 2014, due to an increase in earned income from his new employment. See Exhibit 6.

### DISCUSSION

In determining the amount of FS to be issued each month, the county must **budget all income of the FS household, including all earned and unearned income.** 7 C.F.R. §273.9(b). From the gross household income, certain deductions as discussed in the *FoodShare Wisconsin Handbook*, §4.6 are allowed: (1) standard deduction - which currently is \$134 per month for all households. 7 C.F.R. §273.9(d) (1); (2) earned income deduction - which equals 20% of the household's total earned income. 7 C.F.R. §273.9(d) (2); (3) medical expense deduction - for medical expenses exceeding \$35 in a month for an elderly or disabled person. 7 C.F.R. §273.9(d) (3); (4) dependent care deduction for child care expenses. 7 C.F.R. §273.9(d) (4); and (5) shelter expenses deduction - the deduction is equal to the excess expense above 50% of net income remaining after other deductions. 7 C.F.R. §273.9(d) (5). The maximum FS allotment amounts, based on household size, are listed at *FoodShare Wisconsin Handbook*, §8.1.7. The *FS Handbook* can be viewed online at <http://www.emhandbooks.wi.gov/fsh/>.

During the November 4, 2014 hearing, ESS Deborah Bohlman, provided petitioner a detailed explanation regarding the calculation of the reduction in petitioner's FS benefits from \$497 to \$45 effective July 1, 2014 due to his new employment income at [REDACTED]. During that hearing, after hearing the agency's case, petitioner was unable to refute the county agency's case that it had correctly calculated the petitioner's income for a FS household of three based upon budgeting petitioner's new earned income from his new employment in calculating the petitioner's FS benefits as of July, 2014. In reviewing the county agency's calculation of petitioner's FS benefits based upon FS policy and law, I find no error. Accordingly, for the above reasons, I must conclude that the county agency correctly reduced the petitioner's FoodShare (FS) benefits from \$497 to \$45 effective July 1, 2014, due to budgeting the petitioner's new employment earned income.

### CONCLUSIONS OF LAW

The county agency correctly reduced the petitioner's FoodShare (FS) benefits from \$497 to \$45 effective July 1, 2014, due to budgeting the petitioner's new employment income.

**THEREFORE, it is**

**ORDERED**

The petition for review herein be and the same is hereby 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 20th day of November, 2014

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\sGary M. Wolkstein  
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 November 20, 2014.

Fond Du Lac County Department of Social Services  
Division of Health Care Access and Accountability