



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/158942

PRELIMINARY RECITALS

Pursuant to a petition filed July 07, 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 telephonic hearing was held on July 30, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether Milwaukee Enrollment Services (MES) correctly reduced the petitioner's FoodShare (FS) benefits from \$189 to \$108 effective August 1, 2014, due to correcting his child support deduction.

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

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County who receives FS benefits for a household of one.
2. The petitioner receives gross monthly Social Security Disability Income (SSDI) of \$1,115.

3. The petitioner has \$200 in monthly child support deductions which reduced his gross unearned income from \$1,115 to \$915.
4. An MES error (non-client error) in petitioner's FS case was discovered that indicated that petitioner had received incorrectly an additional \$200 child support deduction from his net income resulting in FS benefits of \$189 prior to August, 2014. That error was corrected, as documented by the county's FS budget screens for the petitioner during the relevant months. See Exhibit 3.
5. Milwaukee Enrollment Services (MES) sent a July 8, 2014 Notice of Decision to the petitioner stating that effective August 1, 2014, his FS benefits would be reduced from \$189 to \$108 due to the correcting the error to only grant the \$200 child support deduction from petitioner's gross and not net income, as explained in Finding of Fact #4 above. See Exhibit 2.

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 July 30, 2014 hearing, the MES representative provided petitioner a detailed explanation regarding the calculation of the August 1, 2014 reduction in his FS benefits. HSPC Katherine May explained and documented that due to correcting the petitioner's child support expense deduction only from his gross income, his FS benefits decreased as of August 1, 2014. See Finding of Fact #4 above. The petitioner was unable to refute the county's case that it had correctly calculated the petitioner's household income and child support payment deduction for a FS household of one per *FoodShare Handbook*, 4.6.5.1, and thus reduced his FS benefits. In reviewing MES' calculation of petitioner's FS benefits based upon FS policy and law, I find no error. Accordingly, for the above reasons, I conclude that Milwaukee Enrollment Services (MES) correctly reduced the petitioner's FoodShare (FS) benefits from \$189 to \$108 effective August 1, 2014, due to correcting his child support deduction and re-calculating petitioner's FS benefits.

CONCLUSIONS OF LAW

Milwaukee Enrollment Services (MES) correctly reduced the petitioner's FoodShare (FS) benefits from \$189 to \$108 effective August 1, 2014, due to correcting the calculation of petitioner's child support deduction in determining his FS benefits for a group of one.

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 3rd day of September, 2014

\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 September 3, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability