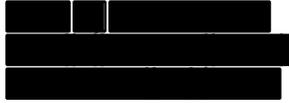




STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FOO/159039

PRELIMINARY RECITALS

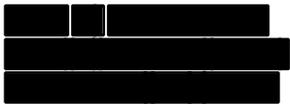
Pursuant to a petition filed July 15, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a telephonic hearing was held on August 06, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether Milwaukee Enrollment Services (MES) correctly and accurately calculated the petitioner's FoodShare (FS) benefits for a household of one for July and August, 2014.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Belinda Bridges, 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 resides in a household of one. See Exhibit 1.
2. On about June 27, 2014, petitioner applied for FoodShare (FS) benefits for a household of one. See Exhibit 1.

3. On that application, petitioner reported that he is receiving unearned income of \$804.78 (SSI of \$721 and State SSI of \$83.78). That application also indicated that petitioner paid no utility fees because utilities were included in his rental payments.
4. Petitioner's rent of \$450 for July, 2014 increased to \$525 for August, 2014.
5. Milwaukee Enrollment Services sent July 1, 2014 and July 21, 2014 Notices of Decision to the petitioner stating that he was approved for \$30 in FS during July, 2014 and that due to an increase in his rental deduction, his FS benefits increased to \$52 as of August, 2014.

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); *FoodShare Wisconsin Handbook*, §4.6; (2) earned income deduction - which equals 20% of the household's total earned income. 7 C.F.R. §273.9(d)(2); *FoodShare Wisconsin Handbook*, §4.6; (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); *FoodShare Wisconsin Handbook*, §4.6.4; (4) dependent care deduction for child care expenses. 7 C.F.R. §273.9(d)(4); *FoodShare Wisconsin Handbook*, §4.6.6; 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); *FoodShare Wisconsin Handbook*, §4.6.7.

During the August 6, 2014, HSPC worker, Belinda Bridges, provided petitioner a detailed explanation regarding the calculation of his FS benefit for July and August, 2014 based upon FS law and policy. During that hearing, petitioner admitted that he paid no phone bill or utilities, as his utilities were included in his rent. The petitioner had questions of Ms. Bridges regarding the calculations of his FS benefits. Ms. Bridges answered each of the petitioner's questions, and explained the petitioner's budget screens indicating how the petitioner's FS benefits had been calculated. The petitioner was unable to refute Ms. Bridges' explanation as to how his FS had correctly been calculated his FS benefits. The petitioner was also unable to indicate any error or inaccuracy in the county's calculation of his FS benefits for July or August, 2014. In reviewing the county agency's determination of petitioner's FS benefits, I find no error. Accordingly, for the above reasons, I conclude that Milwaukee Enrollment Services (MES) correctly and accurately calculated the petitioner's FoodShare (FS) benefits for a household of one for July and August, 2014.

CONCLUSIONS OF LAW

Milwaukee Enrollment Services (MES) correctly and accurately calculated the petitioner's FoodShare (FS) benefits for a household of one for July and August, 2014.

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 4th 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 4, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability