



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/159119

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**PRELIMINARY RECITALS**

Pursuant to a petition filed July 15, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Brown County Human Services in regard to FoodShare benefits (FS), a hearing was held on August 18, 2014, at Green Bay, Wisconsin.

The issue for determination is whether the agency correctly reduced petitioner's FS allotment from \$305 to \$76 effective August 1, 2014.

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: Alnila Albizu

Brown County Human Services  
Economic Support-2nd Floor  
111 N. Jefferson St.  
Green Bay, WI 54301

**ADMINISTRATIVE LAW JUDGE:**

John P. Tedesco  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Brown County.
2. Petitioner was an ongoing FS recipient as a group of 2.

3. Petitioner reported an unearned income change to the agency in June 2014. Petitioner's veterans' benefit was increased from \$524 to \$1,054.
4. The increase was due to no longer receiving earned income from Title V employment. That income is not counted for the FS program.

### DISCUSSION

At hearing, the agency presented the FS allotment calculation as reflected in exhibit #1. I find no error in the calculation. Indeed, petitioner does not dispute the calculation either. Petitioner's argument is that he believes that it is unfair that his girlfriend is counted on his FS case because this punishes her because she has no income and would receive more FS if she were not on his case. Petitioner conceded that the couple lives together and purchases and prepares food together. Petitioner's argument is meritless as people who live together and purchase and prepare food together must be counted as part of the same group for allotment purposes under program rules.

### CONCLUSIONS OF LAW

The agency correctly reduced the petitioner's 2-person group allotment after income changes and the utility deduction rule change.

**THEREFORE, it is**

**ORDERED**

That this appeal is 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 10th day of September, 2014

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\sJohn P. Tedesco  
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 10, 2014.

Brown County Human Services  
Division of Health Care Access and Accountability