



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FOO/159919

PRELIMINARY RECITALS

Pursuant to a petition filed August 18, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the La Crosse County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on September 03, 2014, at Sparta, Wisconsin.

The issue for determination is whether the county agency correctly determined petitioner's FS allotment for August, 2014.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



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Respondent:

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

By: Tom Miller

La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Monroe County.
2. Petitioner received monthly FS benefits in the amount of \$189.00 from November, 2013, through July, 2014.

3. The respondent received notification of petitioner's wages from █████ Student on July 12, 2014. Petitioner's FS benefits for August, 2014, were reduced to \$15.00, based on her household income.
4. On August 12, 2014, petitioner contacted the respondent to provide updated and correct household income information. That information was processed, and petitioner's FS benefits were adjusted accordingly for September, 2014.

DISCUSSION

The size of a FoodShare allotment depends upon net income and household size. Petitioner's employer provided income information to the respondent in July of 2014. The agency, relying upon information provided by the employer, reduced her FoodShare allotment to \$15 per month. Petitioner contacted the agency on August 12, 2014, to state that her household income was less than the respondent had budgeted. FoodShare rules hold: "All reported changes that cause an increase in the FS benefit ... will be effective the first of the month following the report month if required verifications are received within 10 days of the request for verification." *FoodShare Wisconsin Handbook*, § 6.1.3.3.; see also 7 CFR § 273.12(c)(1). The county agency determined that the petitioner was not entitled to additional FoodShare until September because it did not receive the updated household income information until August 12, 2014.

The petitioner testified that she believed that she needed to wait to call until her card was loaded (sometime around mid-August). She additionally asserted that the same situation unfolded in 2013, and she didn't have any problem with benefit allotments changing then. Unfortunately, neither of these explanations sufficiently establish any error on the part of the respondent in determining petitioner's FS allotment for August.

Any increase in petitioner's FS depends first upon when she reported the income information, which she did in August. This means that she is ineligible for an increase in August, since increases are effective in the month following the reported change/update.

CONCLUSIONS OF LAW

The respondent correctly adjusted petitioner's FS allotment in September, 2014, based upon information provided by the petitioner in August, 2014.

THEREFORE, it is

ORDERED

That the petition for review 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 17th day of October, 2014.

\sPeter McCombs
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 October 17, 2014.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability