



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/160638

PRELIMINARY RECITALS

Pursuant to a petition filed September 17, 2014, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Grant County Dept. of Social Services to discontinue FoodShare benefits (FS), a hearing was held on October 16, 2014, by telephone.

The issue for determination is whether petitioner's household income is over the FS limit.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Jane Whitish
Grant County Dept. of Social Services
P.O. Box 447
Lancaster, WI 53813

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Grant County.
2. Petitioner resides with her boyfriend and their daughter, and the household received over \$400 per month FS until the county action.
3. On July 1, 2014 petitioner reported that her boyfriend started a job. On July 2 verification was requested, and initially the verification was not provided. On July 14 the county sent petitioner a notice telling her that FS would end August 1 because the income was not verified.

4. On August 8 the income verification was received by the county. The gross earned income was \$430 per week. In addition petitioner receives \$851.43 per month Supplemental Security Income (SSI). Expenses include \$500 per month rent, utilities, and \$287.76 per month child support paid by petitioner's boyfriend.
5. By a notice dated August 12, 2014, the county informed petitioner that FS were denied because income was over the limit.

DISCUSSION

In determining the amount of FS to be issued each month, the county must budget all of the recipient's nonexempt income. 7 C.F.R. §273.9(b). From that income, certain deductions are allowed. The deductions include a standard deduction, which currently is \$152 per month. 7 C.F.R. §273.9(d)(1); FS Handbook, Appendix 4.6.2. Another deduction is the earned income deduction, which equals 20% of the household's total earned income. 7 C.F.R. §273.9(d)(2); FS Handbook, App. 4.6.3. A third possible deduction is for medical expenses exceeding \$35 in a month for elderly or disabled persons. 7 C.F.R. §273.9(d)(3); FS Handbook, App. 4.6.4. A fourth deduction is for child/dependent care. 7 C.F.R. §273.9(d)(4); FS Handbook, App. 4.6.6. The final deduction is for shelter expenses; 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); FS Handbook, App. 4.6.7.

The gross income limit for a household of three is \$3,256. Handbook, App. 8.1.1. The net income limit for a household of three is \$1,628. Handbook, App. 8.1.1.

Weekly income is multiplied by 4.3 to calculate monthly income because there are slightly more than four weeks in a month. Thus petitioner's boyfriend's monthly income is \$430 times 4.3 equals \$1,849. Total household income when petitioner's SSI is added is \$2,700.43. From that amount the 20% earned income deduction (\$369.80), the \$152 standard deduction, and the \$287.76 child support are subtracted, leaving \$1,890.87. The shelter deduction is the cost of shelter above one-half of that amount, which is \$945.43. Shelter costs are the \$500 rent plus \$450 utilities, and thus the shelter deduction is \$950 minus \$945.43 equals \$4.57. That amount is deducted from the \$1,890.87 net income, leaving \$1,886.30.

Since the net income limit is \$1,628, the net income of \$1,886.30 is above the limit. The county correctly determined that the household was above the limit.

Petitioner testified that she cannot afford groceries without the FS assistance, but the FS calculation is required by federal FS law. The Division of Hearings and Appeals has no authority to make exceptions to the FS calculations, and thus I conclude that the denial of FS was correct. If income decreases or there are other changes that might affect the case petitioner can request FS again.

CONCLUSIONS OF LAW

Petitioner's household income now is above the program's net income limit, and thus the county correctly denied FS after a new job was reported.

THEREFORE, it is

ORDERED

That 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 October, 2014

\sBrian C. Schneider
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 20, 2014.

Grant County Department of Social Services
Division of Health Care Access and Accountability