



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/160762

PRELIMINARY RECITALS

Pursuant to a petition filed September 19, 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 October 14, 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 \$102 effective August 1, 2014, due to an increase in unearned income (SSDI and SSI).

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: Simone Johnson, IM advanced
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.
2. The petitioner receives FoodShare benefits for a group of one.

3. The petitioner received Supplemental Security Income (SSI) of \$241 which increased to \$305 as of August, 2014.
4. The petitioner received Social Security Disability Income (SSDI) of \$420 which increased to \$436 as of August, 2014.
5. Milwaukee Enrollment Services (MES) sent a July 14, 2014 Notice of Decision to the petitioner stating that her FoodShare (FS) benefits would be reduced from \$189 to \$102 effective August 1, 2014, due to an increase in her unearned income (SSI and SSDI). See Exhibit 2.
6. The petitioner did not timely submit any outstanding medical expenses to MES to establish any medical expense deduction in calculating petitioner's FS benefits effective August 1, 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 \$152 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 October 14, 2014 hearing, MES representative, Simone Johnson, provided petitioner a detailed explanation regarding the calculation of the August 1, 2014 reduction in her FS benefits due to an increase in her SSI and SSDI unearned income. Ms. Johnson explained and documented that due to the increase in petitioner's unearned income her FS benefits decreased from \$189 to \$102 effective August 1, 2014.

After hearing MES's case, the petitioner did not dispute any longer the reduction in her FS benefits effective August 1, 2014. Petitioner explained that she needed more FS than \$102 to meet her food needs. However, the petitioner was unable to refute with any reliable evidence that MES accurately determined the petitioner's unearned income, and accurately reduced petitioner's FS from \$189 to \$102 as of August 1, 2014. In reviewing MES's 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 \$102 effective August 1, 2014, due to an increase in unearned income (SSDI and SSI).

CONCLUSIONS OF LAW

Milwaukee Enrollment Services (MES) correctly reduced the petitioner's FoodShare (FS) benefits from \$189 to \$102 effective August 1, 2014, due to an increase in unearned income (SSDI and SSI).

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 20th day of November, 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 November 20, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability