



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
[Redacted]
[Redacted]

DECISION

FOO/161422

PRELIMINARY RECITALS

Pursuant to a petition filed October 20, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the St. Croix County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on November 12, 2014, at New Richmond, Wisconsin.

The issue for determination is whether the county agency correctly determined petitioner's FoodShare benefits.

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: Cheryl Odle

St. Croix County Department of Human Services
1445 N. Fourth Street
New Richmond, WI 54017-1063

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. The petitioner (CARES # [Redacted]) is a resident of St. Croix County. There is one other person in his household.
2. The county agency notified the petitioner on October 29, 2014, he would get \$54 in FoodShare per month as of November 1, 2014.

3. The county agency notified the petitioner on October 29, 2014, that he would receive supplemental FoodShare payments of \$93 for August 2014, \$91 for September 2014, and \$47 for October 2014.
4. The petitioner's wife earns \$577.21 per month. She receive \$152 per month in social security. She received \$563.98 in SSI in October 2014 and \$592.24 in November 2014.
5. The petitioner's monthly rent is \$480 and his household's monthly child support payment is \$43.20.

### DISCUSSION

The size of a FoodShare allotment depends upon household size and net income. Net income is determined after subtracting from gross income those deductions—and only those deductions—found in 7 CFR § 273.9(d). The petitioner's household gross income is \$1,321.45. He is entitled to the \$155 standard deduction allowed for households with up to three members. *FoodShare Wisconsin Handbook*, § 4.6.2 and 8.1.3; 7 CFR § 273.9(d)(1). He is also entitled to an earned income deduction equal to 20% of his wife's \$577.21 monthly earnings, or \$115.44. *See* 7 CFR § 273.9(d)(2). And he is entitled to a \$43.20 deduction for child support his household pays out. 7 CFR § 273.9(d)(5).

The only other deduction he is potentially entitled to is the shelter deduction, which equals the amount that housing costs exceed 50% of the net income remaining after all other deductions are subtracted from gross income. *FoodShare Wisconsin Handbook*. § 4.6.7; 7 C.F.R. § 273.9(d)(6)(ii); *FoodShare Wisconsin Handbook*, § 8.1.3. Deducting the \$155 standard allowance, the \$115.44 earned income deduction from his household's \$1,321.45 gross income, and the \$43.20 child support deduction leaves him with \$1,007.81. His shelter costs are less than half of this, so he does not get a shelter deduction. This means that his net income remains \$1,007.81. The FoodShare allotment for a two-person household, the size of the petitioner's, is \$54 per month, the amount the agency correctly determined the petitioner is entitled to. *FoodShare Wisconsin Handbook*, § 8.1.2.

The petitioner also challenged the amount of FoodShare he received from August 2014 through October 2014. The agency has corrected any error it made by issuing a supplemental allotment for each of these months.

### CONCLUSIONS OF LAW

The county agency correctly determined the petitioner's FoodShare allotment.

**THEREFORE, it is**

**ORDERED**

The petitioner's 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 5th day of December, 2014

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\sMichael D. O'Brien  
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 December 5, 2014.

St. Croix County Department of Human Services  
Division of Health Care Access and Accountability