



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redact

DECISION

FOO/162043

PRELIMINARY RECITALS

Pursuant to a petition filed November 17, 2014, under Wis. Admin. Code, §HA 3.03(1), to review a decision by Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on December 9, 2014, by telephone.

The issue for determination is whether petitioner's Redact income is disregarded.

PARTIES IN INTEREST:

Petitioner:

Redact

Respondent:

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

By: Jose Silvestre
Milwaukee Enrollment Services
1220 W. Vliet St.
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # Redact) is a resident of Milwaukee County.
2. Petitioner applied for FS on September 29, 2014. He reported that he works for Redact, an Redact organization. He started there on September 15, 2014.
3. Because petitioner started at Redact prior to his FS application, the agency counted his income from there in calculating his FS. Petitioner was awarded \$16 per month FS.

- 4. [Redact] is an [Redact] national and community service program, not an [Redact]* [Redact] program.

DISCUSSION

The FS Handbook, Appendix 4.3.2.2, provides for disregards from income as follows:

6. Income from Title I of the Domestic Volunteers Services Act only when the volunteer received FS at the time s/he joined the Title I program. Interruptions in FS participation do not alter this disregard. Some individuals were receiving the disregard for a Title I program at the time of conversion to the Food Stamp Act of 1977. Continue the disregard for the same time frame they said they would volunteer for at the time of conversion. If these exceptions do not apply, count Title I income as earned income.

Title I programs include:

- a. [Redact]* [Redact]
- b. [Redact]
- c. [Redact]

That is the provision the agency reviewed in determining petitioner’s eligibility. However, there is an additional disregard concerning [Redact] further down in Appendix 4.3.2.2:

- 11. Allowances, earnings, and payments to participants in the National & Community Service Trust Act of 1993 (NCTSA). Programs included in this act are:

[Redact] [Redact] - The [Redact] developed to engage Americans in a year or two of national service in exchange for an education award of \$4,725 per year of completed service....

See number 6a in 4.3.2.2 above, to contrast with [Redact]*[Redact] which is different....

[Redact] programs include:

- Serve-America - The program involves school aged youth in community service, recruits adult volunteers in the schools, and provides service training in elementary and secondary schools.
- Higher Education Innovative Projects - Institutions of higher education integrate service into the curriculum, develop teacher and volunteer training programs, and involve students in community service.
- American Conservation and Youth Service Corps -Teenagers and young adults receive job and skill training, living allowances and scholarships as they provide community service. Special corps members, such as senior citizens, may be included if they provide special skills to the program.
- *National and Community Service Programs - Employees are age 17 or older and work full-time or part-time. They received education or housing benefits upon completing their term.*

Italics added. Number 11 provides that income from **Redact** National and Community Service programs is excluded regardless of whether the person was receiving FS when the work started.

Petitioner's **Redact** income should be disregarded from his income for FS purposes.

CONCLUSIONS OF LAW

Petitioner's **Redact** income is disregarded for FS purposes under the

THEREFORE, it is ORDERED

That the matter be remanded to the county with instructions to re-determine petitioner's FS retroactive to September 29, 2014 by excluding his income from her **Redact** service. The county shall take the action and issue appropriate supplemental FS within 10 days of this decision.

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 15th day of December, 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 December 15, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability