



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
Redact
[Redacted]

DECISION

FOO/162363

PRELIMINARY RECITALS

Pursuant to a petition filed December 01, 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 hearing was held on December 17, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether the respondent correctly determined petitioner's FS allotment.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
Redact
[Redacted]

Respondent:

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

By: [Redacted]
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Peter McCombs (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Milwaukee County.
2. The county agency notified the petitioner on November 10, 2014, that as of December 1, 2014, his FoodShare allotment would decline from \$194 to \$16 per month.
3. The petitioner's income consists of \$804.78 per month in state and federal SSI payments.

DISCUSSION

The size of a FoodShare allotment depends upon net income and household size. Net income is determined after subtracting those deductions—and only those deductions—found in 7 CFR § 273.9(d) from gross income. The agency reduced the petitioner's FoodShare allotment from \$194 to \$16 per month as of December 1, 2014, after he began receiving Supplemental Security Income (SSI) payments. Prior to this, petitioner had no reported income.

Petitioner 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 not entitled to an earned income deduction because he is not working. *See* 7 CFR § 273.9(d)(2). Petitioner has not submitted any qualifying medical expenses as a deduction. 7 CFR §273.9(d)(3); *FoodShare Wisconsin Handbook*, §4.6.4.1.

The last deduction that he is entitled to is the excess 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 and 8.1.3; 7 C.F.R. § 273.9(d)(6)(ii). Subtracting the \$155 standard deduction from his \$804.78 monthly income leaves him with \$649.78. Half of this is \$324.89. Petitioner's shelter costs, i.e., the amount he pays in rent (his utilities are included in his rent), is 350.00, which exceeds \$324.89, half of his remaining net income, by \$25.11, which is his shelter deduction. Subtracting this along with his standard deduction from his \$804.78 gross household income leaves him with \$624.67 in net income. The FoodShare allotment for a one-person household is determined by subtracting 30% of the petitioner's net income (187.50) from the maximum FS allotment for a single person (\$194). As petitioner is categorically eligible for FS, he was correctly allotted the minimum FS benefits of \$16. *See FoodShare Wisconsin Handbook*, § 8.1.2.

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 22nd day of December, 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 December 22, 2014.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability