



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
*Redact*  
[REDACTED]  
[REDACTED]

DECISION

ENE/161136

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**PRELIMINARY RECITALS**

Pursuant to a petition filed October 8, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Energy - Milwaukee County in regard to Energy Assistance (Wisconsin Home Energy Assistance Program or WHEAP or EA), a hearing was held on October 29, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether the agency correctly denied the petitioner's EA application due to excess income.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
*Redact*  
[REDACTED]  
[REDACTED]

Respondent:

Department of Administration  
101 East Wilson Street  
Madison, Wisconsin 53703

By: (no appearance)

Energy - Milwaukee County  
Milwaukee, WI

**ADMINISTRATIVE LAW JUDGE:**

Nancy J. Gagnon (telephonically)  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Milwaukee County.
2. The petitioner applied for Energy Assistance on September 24, 2014. The state agency subsequently issued written notice of denial of EA in 2014.

3. The petitioner had a household of one person and a two-room residence at the time of application. The household received gross income of **\$7,797.00** in the three months preceding the month of application. That income consisted of \$2,599.00 Social Security Retirement (SS) in June, \$2,599.00 SS in July, and \$2,599.00 SS in August, 2014.

### DISCUSSION

For Energy Assistance purposes, the agency must consider all gross income received in the three months preceding application. *Wisconsin Home Energy Assistance Program, Operations Manual (WHEAP Manual)*, §2.3.2 (October 2014), at <http://homeenergyplus.wi.gov/>, “Grantee Informaton.” No deductions are allowed unless specifically exempted. *Id.* If gross income is above the income limit, the household cannot qualify for Energy Assistance. The three-month limit for a one-person household was \$6,288 for 2014-2015; the petitioner’s income was over that amount, so she did not financially qualify for a benefit payment. *Id.*, and “under 60% of state median income” (formerly, 150% of poverty level) chart at <http://homeenergyplus.wi.gov/refcenter.asp>, “Program Descriptions” button.

The petitioner noted that she has many outstanding debts to pay. However, debts cannot be subtracted from income for purposes of this program. Thus, the petitioner has not met her burden of proving that the application denial was incorrect.

### CONCLUSIONS OF LAW

The agency correctly denied the petitioner’s September 2014, EA application due to income ineligibility.

**THEREFORE, it is**

**ORDERED**

That the petition 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 Administration, 101 East Wilson Street, 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 January, 2015

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\sNancy J. Gagnon  
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 January 22, 2015.

Energy - Milwaukee County  
DOA - Energy Assistance