



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
Redact

DECISION

FOO/161876

PRELIMINARY RECITALS

Pursuant to a petition filed November 12, 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 December 03, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether Milwaukee Enrollment Services (MES) correctly and accurately calculated the petitioner's FoodShare (FS) benefits resulting from his October 6, 2014 FS re-application for benefits for a FS group of one.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
Redact

Respondent:

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

By: [Redacted] 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 disabled resident of Milwaukee County who resides in a household of one. See Exhibit 1.
2. On October 6, 2014, petitioner re-applied for FoodShare (FS) benefits for a household of one. See Exhibit 1.

3. On that application, petitioner reported that he is receiving monthly gross Social Security unearned income of \$1,489.90.
4. Petitioner's rent was \$495 as of October, 2014. See Exhibit 1.
5. The petitioner received a standard deduction of \$155, an excess medical expense deduction of \$69.90, and an excess shelter deduction of \$308.50. See Exhibit 4.
6. Milwaukee Enrollment Services sent an October 13, 2014 Notice of Decision to the petitioner stating that he was approved for prorated FS benefits of \$13 for the month of October, 2014, and that FS would increase to \$16 as of November, 2014. See Exhibit 3.

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 \$155 per month for all households. 7 C.F.R. §273.9(d)(1); *FoodShare Wisconsin Handbook*, §4.6; (2) earned income deduction - which equals 20% of the household's total earned income. 7 C.F.R. §273.9(d)(2); *FoodShare Wisconsin Handbook*, §4.6; (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); *FoodShare Wisconsin Handbook*, §4.6.4; (4) dependent care deduction for child care expenses. 7 C.F.R. §273.9(d)(4); *FoodShare Wisconsin Handbook*, §4.6.6; 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); *FoodShare Wisconsin Handbook*, §4.6.7.

During the December 3, 2014 MES worker, Rec Redact, provided petitioner a detailed explanation regarding the calculation of his prorated FS benefits from his October 6, 2014 reapplication for FS benefits for himself based upon FS law and policy. During that hearing, petitioner was unable to refute any of the testimony or evidence provided by MES. The petitioner had questions of Ms. Redact regarding the calculations of his FS benefits. Ms. Redact answered the petitioner's questions, and explained the petitioner's budget screens indicating how the petitioner's FS benefits had been calculated. The petitioner was unable to refute Ms. Redact's explanation as to how his FS had correctly been calculated his FS benefits. The petitioner was also unable to indicate any error or inaccuracy in the county's calculation of his FS benefits.

The petitioner alleged that he had other outstanding medical bills which might apply toward a higher excess medical deduction. However, petitioner admitted that he had not as of the December 3, 2014 hearing submitted those additional medical bills to MES. He should submit those medical bills promptly to MES for its review and possible increase in his medical expense deduction. In reviewing MES's determination of petitioner's FS benefits, I find no error. Accordingly, for the above reasons, I conclude that Milwaukee Enrollment Services (MES) correctly and accurately calculated the petitioner's FoodShare (FS) benefits resulting from his October 6, 2014 FS re-application for benefits for a FS group of one.

CONCLUSIONS OF LAW

Milwaukee Enrollment Services (MES) correctly and accurately calculated the petitioner's FoodShare (FS) benefits resulting from his October 6, 2014 FS re-application for benefits for a FS group of one.

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 5th day of January, 2015

\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 January 5, 2015.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability