



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

ENE/162301

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**PRELIMINARY RECITALS**

Pursuant to a petition filed November 26, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Washington County Department of Social Services in regard to Energy Assistance, a hearing was held on January 15, 2015, at West Bend, Wisconsin.

The issue for determination is whether the agency issued the proper allotment of energy assistance to the Petitioner.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED] |  
[REDACTED]  
[REDACTED]

Respondent:

Department of Administration  
101 East Wilson Street  
Madison, Wisconsin 53703

By: Kay Lucas, Energy Services Worker  
Washington County Department of Social Services  
333 E. Washington Street  
Suite 3100  
West Bend, WI 53095

**ADMINISTRATIVE LAW JUDGE:**

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Washington County.
2. On September 29, 2014, the Petitioner submitted an application for energy assistance for the 2015 heating season.

3. Petitioner has a household size of one. She has monthly income of \$824.78 which includes \$658 from SSDI, \$83 from SSI and \$83.78 from State Supplemental SSI. Her gross three month income is \$2,474.34.
4. The agency approved and paid energy assistance of \$389 for the Petitioner.
5. On November 26, 2014, the Petitioner filed an appeal with the Division of Hearings and Appeals.

### DISCUSSION

Energy Assistance is a state-run program established by federal law. See 42 USC § 8621, et seq. and Wis. Stat. § 16.385.

“A household may only receive one regular heat benefit and one regular nonheat electric benefit each program year if it is eligible.” Wisconsin Home Energy Assistance Program, Program and Operations Manual, p. 1.6. (found online at <http://homeenergyplus.wi.gov/docview.asp?docid=22169>.) Because the petitioner has already received an electrical benefit, she cannot receive another regular benefit in the 2015 heating season.

The energy allotment issued to the Petitioner is based on her income, household size and energy usage. The energy usage is automatically input into the system by WE. The Petitioner did not dispute that the allotment was correctly calculated. Rather, she requested that she receive additional funds due to her medical condition which includes an intolerance to cold. The regulations do not allow an exception for medical conditions. The Petitioner requests equitable relief that I am not authorized to provide.

The agency representative noted that, if funds are available, the Petitioner may be eligible for Crisis Assistance if she meets the eligibility criteria. The representative advised the Petitioner to be in regular contact with the agency to determine if crisis funds become available.

### CONCLUSIONS OF LAW

The agency properly determined the Petitioner’s energy assistance allotment.

**THEREFORE, it is**

**ORDERED**

That 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 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 Milwaukee,  
Wisconsin, this 26th day of February, 2015

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\sDebra Bursinger  
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 February 26, 2015.

Washington County Department of Social Services  
DOA - Energy Assistance