



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

ENE/162622

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**PRELIMINARY RECITALS**

Pursuant to a petition filed December 12, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Sheboygan County Department of Human Services in regard to Energy Assistance, a hearing was held on January 08, 2015, at Sheboygan, Wisconsin.

The issue for determination is whether the agency issued the correct amount 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: Kristine Schmidt, Energy Services Worker  
Sheboygan County Department of Human Services  
3620 Wilgus Ave  
Sheboygan, WI 53081

**ADMINISTRATIVE LAW JUDGE:**

Corinne Balter  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [REDACTED]) is a resident of Sheboygan County.
2. The petitioner's household size is two. She does not have any income, and her home consists of three rooms.
3. On October 23, 2014 the petitioner applied for heating assistance.

4. On October 27, 2014 the agency approved the petitioner's application, and issued total energy assistance in the amount of \$322.

### DISCUSSION

WHEAP is mandated by Wis. Stat. §16.385. The Department of Administration administers the program. §16.385(2)(a). The Department does so by publishing the *Wisconsin Home Energy Assistance Program, Program and Operations Manual (Manual)*. The *Manual* must follow the mandate of the statute, but it is up to the Department to specify policies where the statute is silent. The WHEAP has several components. The most commonly used component is Heating Assistance.

Heating assistance benefits are intended to provide help with the home energy bills. *Manual*, 1.1.1. Heating Assistance benefits are not intended to cover the total utility costs. *Id.* In determining the amount of Heating Assistance the agency considers the type of fuel, the size of the home or dwelling, the fuel costs of the home or dwelling, and the type of dwelling unit. *Id.* The agency determines the fuel cost from the previous 12 month or a proxy amount whichever is more. *Manual*, 1.3.1.

In this case the petitioner disputed the amount of Heating Assistance. She argued that the amount of assistance she received was not enough to get her through the winter. I note that Heating Assistance is not intended to cover a person's entire utility obligation. The petitioner did not dispute any of the numbers that the agency used in making their calculation. In this case the agency used a proxy amount as the proxy amount was higher than the fuel costs over the last 12 months. The petitioner recently moved into her apartment. Previously the apartment was vacant. The agency acknowledged that depending on the heating costs, this could cause a reduced amount of energy assistance. If that is the case, the petitioner could be eligible for crisis assistance. The agency correctly determined the amount of Heating Assistance based on the information that the petitioner provided and the proxy amounts.

### CONCLUSIONS OF LAW

The agency correctly determined the amount of Heating Assistance.

**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 Milwaukee,  
Wisconsin, this 30th day of January, 2015

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\sCorinne Balter  
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 30, 2015.

Sheboygan County Department of Human Services  
DOA - Energy Assistance