



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redact

DECISION

FOO/162641

PRELIMINARY RECITALS

Pursuant to a petition filed December 11, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Chippewa County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on January 14, 2015, at Chippewa Falls, Wisconsin.

The issue for determination is whether the county agency correctly reduced the petitioner's FoodShare allotment when his rent fell.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

Redact

Respondent:

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

By: Redact

Chippewa County Department of Human Services
711 N. Bridge Street
Chippewa Falls, WI 54729-1877

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. The petitioner (CARES # Redact) is a resident of Chippewa County.
2. The county agency notified the petitioner that his FoodShare allotment would fall from \$86 to \$41 per month, primarily because his rent was reduced.
3. The petitioner receives \$992 per month in unearned income.

4. The petitioner pays \$300 per month for rent. He also pays all of his own utilities, including heat.

DISCUSSION

FoodShare benefits depend upon household size and net income. Net income is determined after subtracting from gross income those deductions—and only those deductions—found in 7 CFR § 273.9(d). The county agency reduced the petitioner's FoodShare allotment from \$86 to \$41 per month after determining that his net income rose because his rent fell. (His allotment is now somewhat lower because his income increased at the beginning of the year, but the latest change is not before me.)

The petitioner's monthly gross income consists of \$992 in disability benefits. He 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 also entitled to the shelter deduction, which equals the amount that housing costs, including a standard utility allowance currently set at \$446, exceed 50% of the net income remaining after all other deductions are subtracted from gross income. (Because there is a standard utility allowance, actual utility costs are not considered.) *FoodShare Wisconsin Handbook*, § 4.6.7; 7 C.F.R. § 273.9(d)(6)(ii); *FoodShare Wisconsin Handbook*, § 8.1.3. The maximum shelter deduction is \$490. *FoodShare Wisconsin Handbook*, § 8.1.3. The petitioner currently pays \$300 a month in rent. Because he pays his own utilities, the \$446 standard utility deduction is added to this, bringing his total shelter costs to \$746 per month. Deducting the \$155 standard allowance from his \$992 gross income leaves him with \$837. Half of this is \$418.50. His \$746 in shelter costs exceed this amount by \$327.50, which is his shelter deduction. Subtracting the two deductions he is allowed—the \$327.50 shelter deduction and the \$155 standard deduction—from his \$992 gross income, leaves him with \$509.50 in countable net income. The FoodShare allotment for a one-person household, the size of his household, with this income is \$41. *FoodShare Wisconsin Handbook*, § 8.1.2. Because this is the amount the agency determined he is entitled to, I must uphold its decision.

As the petitioner was told at the hearing, when his rent goes back up in the spring, he will be eligible for more FoodShare. He must report this increase to the county agency before he can receive more benefits.

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 16th day of January, 2015

\sMichael D. O'Brien
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 16, 2015.

Chippewa County Department of Human Services
Division of Health Care Access and Accountability