



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
[Redacted]
Redact

DECISION

FOO/162752

PRELIMINARY RECITALS

Pursuant to a petition filed December 18, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the St. Croix County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on January 13, 2015, at New Richmond, Wisconsin.

The issue for determination is whether the county agency correctly determined the petitioner's FoodShare allotment.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
[Redacted]
Redact

Respondent:

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

By: [Redacted]

St. Croix County Department of Human Services
1445 N. Fourth Street
New Richmond, WI 54017-1063

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. The petitioner (CARES # [Redacted]) is a resident of St. Croix County.
2. The petitioner lives alone.
3. Each month, the petitioner receives \$83.78 in state SSI, \$9 in federal SSI, and \$744 in SSDI.

4. The petitioner pays \$106 for rent each month. He also pays for his own utilities.
5. The petitioner pays for \$6.40 of his own medical costs each month.
6. The county agency determined that the petitioner is entitled to \$52 a month in FoodShare.

### DISCUSSION

FoodShare benefits depend upon household size and net income. The petitioner disagrees with this principle, contending that he should receive more because he is “hungry.” He believes that that FoodShare agency, the Division of Hearings and Appeals, and everyone else in government is conspiring against him. He undoubtedly will continue to believe what he wants to believe, which is his right, but I must base my decision on FoodShare laws, regardless of how egregious he finds those laws.

Net income is determined after subtracting from gross income those deductions—and only those deductions—found in 7 CFR § 273.9(d). The petitioner’s monthly gross income consists of \$83.78 in state SSI, \$9 in federal SSI, and \$744 in SSDI for a total of \$836.78. 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 not entitled to the earned income deduction equal to 20% of one’s earned income because his income comes entirely from SSI and SSDI, which is considered unearned. *See* 7 CFR § 273.9(d)(2). Nor is he entitled to an excess medical expense deduction for unreimbursed monthly medical expenses that exceed \$35. 7 CFR §273.9(d)(3); *FoodShare Wisconsin Handbook*, § 4.6.4.1. His unreimbursed medical expenses are \$6.40 per month, which is below the limit.

But he is 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 pays \$106 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 \$552 per month. Deducting the \$155 standard allowance from his \$836.78 gross income leaves him with \$681.78. Half of this is \$340.89. His \$552 in shelter costs exceed this amount by \$211.11, which is his shelter deduction. Subtracting the two deductions he is allowed—the \$211.11 shelter deduction and the \$155 standard deduction—from his \$836.78 gross income, leaves him with \$470.87 in countable net income. The FoodShare allotment for a one-person household, the size of his household, with this income is \$52. *FoodShare Wisconsin Handbook*, § 8.1.2. Because this is the amount the agency determined he is entitled to, I must uphold its decision.

### 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 15th day of January, 2015

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\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 15, 2015.

St. Croix County Department of Human Services  
Division of Health Care Access and Accountability