



**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

Redact

DECISION

ENE/162780

PRELIMINARY RECITALS

Pursuant to a petition filed December 17, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Jefferson County Department of Human Services in regard to Energy Assistance, a hearing was held on February 03, 2015, at Jefferson, Wisconsin.

The issue for determination is whether the agency erred in its denial of the 12/8/14 application for energy assistance.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

Redact

Respondent:

Department of Administration
101 East Wilson Street
Madison, Wisconsin 53703

By: *Redact*, Energy Services Worker
Jefferson County Department of Human Services
Workforce Development Center
874 Collins Rd.
Jefferson, WI 53549

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Jefferson County.
2. Petitioner applied for energy assistance on 12/8/14.

3. The agency considered the previous 90 days of income.
4. The application was denied due to excess income.
5. Petitioner appealed.

DISCUSSION

Petitioner argued that the 90 days preceding the application date were not representative of current income. Petitioner explained that she applied for assistance because the family income dropped markedly at the beginning of December. The petitioner argued that if the agency looked at the income from December and January and February then the average for the preceding 90 days from the date of hearing would make her eligible. This may be so. But, the agency is required to look at the 90 days preceding an application. At the hearing, the parties discussed the practical benefit of a new application for energy assistance and the fact that an eligibility determination would then consider the lower income from December onward. It appeared that petitioner would follow through on this strategy which could result in a finding of eligibility.

CONCLUSIONS OF LAW

The agency did not err in its denial of the 12/8/14 application.

THEREFORE, it is **ORDERED**

That this 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
Madison, Wisconsin, this 24th day of
March, 2015

\sJohn P. Tedesco
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 March 24, 2015.

Jefferson County Department of Human Services
DOA - Energy Assistance