



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FOO/163020

PRELIMINARY RECITALS

Pursuant to a petition filed December 30, 2014, under Wis. Admin. Code § HA 3.03(1), to review a decision by the La Crosse County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on February 16, 2015, at Black River Falls, Wisconsin.

The issue for determination is whether the county agency correctly determined the level of the petitioner's monthly FoodShare benefits.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Bob Uebele

La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # ) is a resident of Jackson County.
2. The petitioner lives with her daughter.
3. The petitioner receives \$370 per week in unemployment benefits.

4. The county agency notified the petitioner on December 15, 2014, that her FoodShare benefits would be \$73 per month as of January 1, 2015.

DISCUSSION

FoodShare benefits depend upon household size and net income. There are two persons in the petitioner's household. 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 determined that as of January 1, 2015, the petitioner's net income entitled her household to a FoodShare allotment of \$73 per month.

The petitioner's gross monthly income is \$1,591. This was obtained by multiplying her \$370 weekly unemployment benefits by 4.3. (Dividing the 52 weeks in a year by the 12 months equals 4.3 rather than four.) She 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). She is also entitled to a shelter deduction determined by a fairly complex formula that considers housing costs, including a standard utility allowance. The county agency allowed her the maximum deduction, or \$490. *FoodShare Wisconsin Handbook*, § 4.6.7; 7 C.F.R. § 273.9(d)(6)(ii); *FoodShare Wisconsin Handbook*, § 8.1.3. Subtracting the \$490 shelter deduction and the \$155 standard deduction from her \$1,591 gross income, leaves her with \$946 in countable net income. The FoodShare allotment for a two-person household with this income is \$73. *FoodShare Wisconsin Handbook*, § 8.1.2. Because this is the amount the agency determined she is entitled to, I must uphold its decision.

CONCLUSIONS OF LAW

The county agency correctly determined the petitioner's FoodShare level.

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 24th day of February, 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 February 24, 2015.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability