



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/164157

PRELIMINARY RECITALS

Pursuant to a petition filed February 24, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Sheboygan County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on March 19, 2015, at Sheboygan, Wisconsin.

The issue for determination whether the agency correctly reduced the petitioner's monthly FoodShare (FS) benefits effective March 1, 2015.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Kris Schmidt

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 is the only person in her household.
3. On January 30, 2015 the petitioner completed a review of her FoodShare (FS) benefits. During the review, the petitioner reported that she obtained new employment with Walmart.

4. The petitioner submitted paystubs for two biweekly pay periods. The paystubs were from February 12, 2015 and February 26, 2015. The paystubs show that the petitioner works 49.35 hours per bi-weekly pay period making \$9.15 per hour. The petitioner's monthly gross income from Walmart is \$963.95.
5. The petitioner also receives \$816.78 from SSI each month.
6. The petitioner's pays \$566.77 each month for her mortgage and property taxes. She is responsible for all of her utilities.
7. On February 18, 2015 the agency sent the petitioner notice that effective March 1, 2015 her monthly FS benefit would be \$16.00
8. On February 24, 2015 the Division of Hearings and Appeals received the petitioner's request for fair hearing.

DISCUSSION

In calculating the petitioner's FS allotment, the agency must follow a procedure prescribed by the federal FS regulations, and echoed in the Department's *FS Wisconsin Handbook*. The federal rule requires the county to start with gross income, deducting a limited number of identified deductions from that income to calculate the adjusted income. *FSWH*, 1.1.4. The regulations direct that a Standard Deduction be subtracted from income in all FS cases. 7 C.F.R. §273.9(d)(1). The Standard Deduction for a household size of 1 is \$155, per *FS Wisconsin Handbook*, 8.1.3. There are additional deductions including earned income deduction, excess medical and dependent care. 7 C.F.R. §273.9(d)(3). An Excess Shelter Deduction can be subtracted if allowable shelter expenses exceed half of the adjusted income. 7 C.F.R. §273.9(d)(6)(ii).

I have reviewed the agency's calculations in this case. The petitioner did not believe that the agency had correctly calculated her income from Walmart. The petitioner's take home pay is less than her gross pay. She did realize that the agency was using her gross pay, and not her net pay. I reviewed the petitioner's paystubs, and the agency's calculation of her monthly income. The agency correctly calculated the petitioner's monthly income. The agency also credited the petitioner with an earned income deduction, which is correct. Generally when a person's income increases, the person's monthly FS benefits decrease. That is what happened in this case. The petitioner began working at Walmart, which increased her monthly income, which in turn caused a decrease in her monthly FS benefits. The agency's calculations are correct.

CONCLUSIONS OF LAW

The agency properly calculated the petitioner's monthly FS benefit effective March 1, 2015.

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 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 Milwaukee,
Wisconsin, this 30th day of March, 2015

\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 March 30, 2015.

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