



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/165776

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**PRELIMINARY RECITALS**

Pursuant to a petition filed May 01, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Manitowoc County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on May 28, 2015, at Manitowoc, Wisconsin.

The issue for determination is whether the agency correctly calculated the petitioner's monthly FoodShare benefits February 1, 2015 through June 30, 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: Deb Williquette

Manitowoc County Department of Human Services  
3733 Dewey Street  
Manitowoc, WI 54221-1177

**ADMINISTRATIVE LAW JUDGE:**

Corinne Balter

Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [REDACTED]) is a resident of Manitowoc County. The petitioner is a two person household consisting of himself and his wife.
2. The petitioner began a review for his FoodShare (FS) benefits in December 2014. The agency processed and completed this review in January 2015.

3. The petitioner's monthly income from February through May 2015 is \$1758.00 consisting of \$296.00 from the petitioner's wife's employment at [REDACTED] and \$1462.00 from the petitioner's wife's employment at [REDACTED]
4. The petitioner pays \$137.81 in property tax, \$79.83 in insurance, and is responsible for the monthly utilities.
5. Following the review, the agency determined that the petitioner's monthly FS benefits decreased from \$73 to \$16. This decrease was due to an increase in earned income.
6. On May 1, 2015 the Division of Hearings and Appeals received the petitioner's request for fair hearing.
7. In May the petitioner reported to the agency that his wife was no longer earning income from [REDACTED]. Without the \$296 per month in earned income from [REDACTED], the petitioner's monthly FS benefits increase to \$99. The agency implemented this change effective June 1, 2015.

### 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 reviewed the agency's calculations in this case, and the calculations are correct. The issue is that after the petitioner's monthly review, the petitioner's wife received little if any hours from [REDACTED]. This reduced the household's monthly gross income, which in turn would have raised the family's monthly FS benefits. Information reported during the review showed that the household had income from [REDACTED]. The petitioner did not report until May 2015 that his wife no longer had any income from [REDACTED]. All reported changes that cause an increase in FS benefits are effective the month following the report. *FSWH*, §6.1.3.3. This change in income was reported in May. The agency implemented this change effective June 1, 2015. This is the correct action. Given the reported income at the review, the calculations were correct prior to the reported change, which the agency implemented effective June 1, 2015.

### CONCLUSIONS OF LAW

The agency correctly calculated the petitioner's monthly FS benefits for February 1, 2015 through June 30, 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 29th day of May, 2015

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\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 May 29, 2015.

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