



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
[Redacted]
Redact

DECISION

FOO/166428

PRELIMINARY RECITALS

Pursuant to a petition filed June 05, 2015, 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 telephone hearing was held on June 24, 2015.

The issue for determination is whether the respondent correctly reduced petitioner's FS allotment based on calculated household income.

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]

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

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of La Crosse County. She is the head of a two-person household. The household received less gross income in prior months that was used to allot \$232 prior to July of 2015. Per a Six Month Report Form submission, the petitioner provided paystubs for April 20, 2015, May 4, 2015, May 18, 2015, and June 1, 2015, from her

employer. The agency applied the bi-weekly multiplier of 2.15 to the average of these pay amounts, to arrive at gross monthly income for the July, 2015, FS budget of \$1492.44.

2. On June 3, 2015, the Department issued a Notice to the petitioner informing her that her FS would be reduced, effective July 1, 2015, due to increased income.
3. On June 5, 2015, the petitioner filed an appeal with the Division of Hearings & Appeals.
4. The best estimate of the petitioner's gross monthly income for December, 2013, as prospectively budgeted with a 2.15 bi-week multiplier, is \$1492.44.

DISCUSSION

The gross income limit for a 2 person household is \$2,622. See, *FoodShare Wisconsin Handbook*, § 8.1.1.1. Here, the agency determined, based upon four time stubs, that the petitioner's gross income is \$1492.44. For FS purposes, biweekly income is treated by averaging the two paychecks, and multiplying by 2.15 to account for an average of 4.3 weeks per month.

The petitioner has not pointed to any specific relevant error. She asserts that this computation is unfair and/or wrong. She proffered that her paystubs included education reimbursements. The respondent indicated that the paystubs do not reference any such reimbursements, and I did not note any in my post-hearing review of the documents.

Petitioner also indicated that her rent has increased. The respondent immediately updated her budget. There is no information that would indicate that this increased rental cost was communicated to the respondent prior to the hearing. As such, this change will be reflected going forward. Respondent indicated that, since the change was reported in June, 2015, it would affect her July, 2015 benefits.

If the household's income decreases, the petitioner would be well advised to report that fact to the agency and ask that her eligibility be reviewed going forward in time. Based upon the record before me, I conclude that the agency acted correctly. This appeal must be dismissed.

CONCLUSIONS OF LAW

That the Department correctly reduced the petitioner's FS, effective July 1, 2015, due to prospectively estimated gross income.

THEREFORE, it is

ORDERED

That the petition for review herein be, and the same hereby 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 29th day of June, 2015.

\sPeter McCombs
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 June 29, 2015.

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