



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

ENE/167461

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**PRELIMINARY RECITALS**

Pursuant to a petition filed July 18, 2015, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Energy Assistance Program - Milwaukee County in regard to Energy Assistance, a hearing was held on August 13, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether the agency properly denied the Petitioner's request for heating assistance.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

||

Respondent:

Department of Administration  
101 East Wilson Street  
Madison, Wisconsin 53703

By: LuElla Ellis, Energy Services Worker  
Energy Assistance Program - Milwaukee County  
1220 W Vliet Street  
Suite 304  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Milwaukee County.

2. On May 8, 2015, Petitioner's son went to the agency to apply on behalf of the Petitioner for heating assistance for the 2015 heating season. He was advised that verification of Petitioner's income was required, including verification of child support for the previous 3 months.
3. On July 1, 2015, the Petitioner submitted verification of child support income and her heating assistance application was considered complete.
4. The agency denied the Petitioner's application due to the application being filed after the end of the program dates for the heating season on May 15, 2015.
5. On July 18, 2015, the Petitioner filed an appeal with the Division of Hearings and Appeals.

### **DISCUSSION**

Energy Assistance is a state-run program established by federal law. See 42 USC § 8621, et seq. and Wis. Stat. § 16.27. Benefits are affected by the total funding available for benefits and the household's fuel costs. 2015 WHEAP Operations Manual (October 2014). An applicant must verify income at the time of application. Also, for an application to be considered for regular heat/electric benefits, it must be initiated before the end of the heating season. The heating season runs from October 1 through the following May 15. The petitioner filed her application after the end of the heating season.

At the hearing, the Petitioner testified that her son attempted to apply for benefits on May 8, 2015. However, the agency requested child support income verification. She testified that she never received any child support. However, when her application was re-filed on July 1, 2015, there was verification of receipt of child support. She testified that she is homebound so it was difficult for her to get the information needed.

Unfortunately, because the Petitioner did not attempt to apply until only one week prior to the end of the heating season, she was unable to get the information needed to complete the application before the end of the heating season. There is no exception in the rule for this situation. The Petitioner must verify her income and the application must be submitted before the end of the heating season on May 15. Therefore, I conclude the agency properly denied the Petitioner's application for heating assistance.

### **CONCLUSIONS OF LAW**

The agency properly denied the Petitioner's application of July 1, 2015 for heating assistance.

**THEREFORE, it is**

**ORDERED**

That 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 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 Milwaukee,  
Wisconsin, this 9th day of November, 2015

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\sDebra Bursinger  
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 November 9, 2015.

Energy Assistance Program - Milwaukee County  
DOA - Energy Assistance