



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

[REDACTED]

PRELIMINARY RECITALS

Pursuant to a petition filed August 04, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Rock County Department of Social Services in regard to FoodShare benefits (FS), a hearing was held on September 08, 2015, at Janesville, Wisconsin.

The issue for determination is whether the respondent correctly determined petitioner's FS allotment.

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: [REDACTED]
Rock County Department of Social Services
1900 Center Avenue
PO Box 1649
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

Peter McCombs (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County.
2. Petitioner applied for FS benefits on July 17, 2015. She reported gross weekly Short Term Disability income of \$301.92.

3. Based upon petitioner's gross monthly income, the respondent issued a notice to petitioner on July 28, 2015, indicating that petitioner's monthly allotment would be \$16.00.
4. Petitioner appealed the FS allotment determination on August 4, 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 (FSWH)*. 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).

The county agency calculated petitioner's monthly income from Short Term Disability to be \$1,298.26.¹ From that gross monthly income figure, the respondent subtracted the standard deduction of \$155.00. This gave a net monthly income of \$1,143.26. The FS net income limit is \$973.00. Because petitioner is categorically eligible for FS based on her gross income and household size, she was allotted the minimum FS of \$16.00. I have reviewed these calculations, and have found no error.

Petitioner testified that her Short Term Disability payments ended on or about August 23, 2015, and her Long Term Disability wouldn't commence until the end of September, 2015. She indicated that she presently has no income. FoodShare rules hold that "[a]ll reported changes that cause an increase in the FS benefit...will be effective the first of the month following the report month." FoodShare Wisconsin Handbook, § 6.1.3.3.; see also, 7 CFR 273.12(c)(1). At hearing, petitioner was advised to report her present income status to the respondent.

Based upon the record before me, I find no error in the petitioner's FS allotment as calculated by the respondent.

CONCLUSIONS OF LAW

The respondent correctly budgeted petitioner's FS allotment.

THEREFORE, it is

ORDERED

That petitioner's appeal is hereby dismissed.

¹ The process by which income is budgeted may be found in the *FoodShare Wisconsin Handbook*, §4.6.1.4, which indicates the multiplier that is used on expenses or income from pay periods of different lengths in order to get the correct amount to budget: 2 for semi-monthly income (paid 2 times per month); 2.15 for bi-weekly income (paid every 2 weeks); and 4.3 for weekly income (paid each week).

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 16th day of September, 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 September 16, 2015.

Rock County Department of Social Services
Division of Health Care Access and Accountability