



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION
Case #: FOO - 174645

PRELIMINARY RECITALS

On May 24, 2016, the above petitioner filed a hearing request under Wis. Admin. Code § HA 3.03(1), to challenge a decision by the Dane Cty. Dept. of Human Services regarding FoodShare benefits (FS). The hearing was held on June 21, 2016, by telephone.

The issue for determination is whether the agency erred in its reduction of FS to petitioner from \$89 to \$79 effective 6/1/16.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: [REDACTED]
Dane Cty. Dept. of Human Services
1819 Aberg Avenue
Suite D
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.

2. From October 1, 2016, petitioner received FS after the agency calculated the allotment based on the petitioner's rent payment of \$188 and net adjusted income of \$346.67.
3. In May 2016, petitioner completed a renewal and reported a new rent payment of \$153. This resulted in a net adjusted income of \$381.67 and an allotment of 79 dollars.
4. Notice was sent to petitioner on 5/5/16 informing her of the change to be effective 6/1/16.
5. Petitioner appealed.

DISCUSSION

FS allotments are a function of household composition and household income. Usually, with an increase in income comes a reduction in the FS allotment to a household. Petitioner had been receiving FS in the amount of \$89 per month. When petitioner completed a renewal for her FS benefits on May 4, 2016, she informed the agency that her rent amount was less than what the agency had previously budgeted. As a result of the change to the rent amount used in the FS budget after the renewal the allotment was reduced by \$10. I have reviewed the budget provided by the agency showing the allotment before the renewal which was a result of a \$188 rent amount. The budget after the renewal shows the \$153 rent amount after the renewal which correlates to the \$79 allotment. So, while the FS was reduced by \$10, it was a result of a net increase of \$35 in income. I have reviewed the FS budget and I have identified no errors.

Petitioner's argument at hearing was that she should be granted \$204 as a FS allotment. She filed a brief prior to hearing which appears to be the result of cutting and pasting from unknown sources. The brief asserts that the FS reduction is "tantamount to invidious discriminatory animus acts and denial, deprivation and or infringement of due process of law and equal protections law pursuant to the 14th amendment..." Petitioner did not provide any written or oral explanation of this claim or any other. Petitioner also threatens a class action lawsuit "in excess of one million dollars." I find the reasoning and basis for appeal in this matter to be incoherent, irrelevant, and illogical. The rules of the FS program appear to have been properly applied and the FS budget resulting in the \$79 allotment (see ex. #3) appears accurate.

CONCLUSIONS OF LAW

The agency did not err in its reduction of FS after the renewal showed that petitioner was paying less in rent than was previously budgeted.

THEREFORE, it is

ORDERED

That this 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 Health Services, 1 West Wilson Street, Room 651, **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 21st day of July, 2016

\s _____
John P. Tedesco
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on July 21, 2016.

Dane Cty. Dept. of Human Services
Division of Health Care Access and Accountability