

2. Petitioner was head of an FS household of 6, and was eligible for FS benefits prior to April 18, 2016.
3. Petitioner’s husband commenced employment on April 18, 2016; income from that employment caused petitioner’s household income to exceed FS program limits.
4. Petitioner’s household income in comprised of Kinship benefits, an annuity, and earned income.

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 6 is \$226, 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 petitioner’s budget was calculated as follows:

Earned Income:	\$3977.50
Unearned Income:	\$800.57
Standard Deduction	(\$226.00)
Shelter deduction:	\$0.00 ¹
Net Adjusted income:	\$3756.75

The FS allotment is determined by multiplying the Net Adjusted income by 30%, and then subtracting that from the maximum FS allotment of \$925.00. Because 30% of petitioner’s net adjusted income exceeds the maximum FS allotment, petitioner is not eligible for any FS benefits.

I have reviewed the respondent’s calculations, and have found no error.

CONCLUSIONS OF LAW

The agency correctly determined that the petitioner’s household income exceeds program limits for FS benefits.

THEREFORE, it is ORDERED

That this 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.

¹ Shelter cost plus a utility standard deduction does not exceed 50% of the petitioner’s adjusted income, which results in no allowable shelter deduction.

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 16th day of August, 2016

\s _____
Peter 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 August 16, 2016.

Richland County Health and Human Services
Division of Health Care Access and Accountability