



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: FOO - 221321

PRELIMINARY RECITALS

Pursuant to a petition filed December 30, 2025, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Dane County Dept. of Human Services to reduce FoodShare benefits (FS), a hearing was held on January 27, 2026, by telephone.

The issue for determination is whether the agency correctly determined petitioner's FS amount.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
201 E. Washington Ave.
Madison, WI 53703

By: Alex Primo
Dane County Dept. of Human Services
1819 Aberg Avenue
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

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

2. Petitioner receives FS as a one-person household. In December, 2025, she received \$58 FS based upon \$1,669 social security income, \$800 rent with the utility standard, and \$61.60 in out-of-pocket medical expenses.
3. By a notice dated December 8, 2025, the agency informed petitioner that FS would be reduced to \$25 effective January 1, 2026. The amount was reduced because social security increased to \$1,716, and the medical expense was removed from the calculation. Removing the medical expense was a mistake since \$61.60 is a regular monthly expense for petitioner.
4. After the appeal the agency issued a supplement to petitioner to bring the January amount back to \$58. The worker also restored the \$61.60 medical expense for future FS issuances.

DISCUSSION

In determining the amount of FS to be issued each month, the county must budget all of the recipient's nonexempt income. 7 C.F.R. §273.9(b). From that income, certain deductions are allowed. The deductions include a standard deduction, which currently is \$209 per month. 7 C.F.R. §273.9(d)(1); FS Handbook, Appendix 4.6.2. Another deduction is the earned income deduction, which equals 20% of the household's total earned income. 7 C.F.R. §273.9(d)(2); FS Handbook, App. 4.6.3. A third possible deduction is for medical expenses exceeding \$35 in a month for elderly or disabled persons. 7 C.F.R. §273.9(d)(3); FS Handbook, App. 4.6.4. A fourth deduction is for child/dependent care. 7 C.F.R. §273.9(d)(4); FS Handbook, App. 4.6.6. The final deduction is for shelter expenses; the deduction is equal to the excess expense above 50% of net income remaining after other deductions. 7 C.F.R. §273.9(d)(6); FS Handbook, App. 4.6.7. The maximum shelter deduction is \$569 unless the household includes an elderly or disabled individual; in those cases there is no shelter cap. Handbook, App. 8.1.3. and 4.6.7.1.

As can be seen, FS allotments are based upon a federally mandated formula. If the income and expenses are entered correctly, the system will determine the monthly issuance correctly. For petitioner's January, 2026 issuance, the numbers were incorrect because the medical expense was left out. That problem has been corrected. The ongoing problem for petitioner is that her social security increased effective January 1, 2026. That means that the higher income will cause FS to go down in future months even though the medical expense has been corrected.

Petitioner's mother raised two points. She believes that the FS amounts are grossly low for someone like petitioner. However, the amounts are set at the federal level. An administrative judge does not have authority to change the amounts if they were calculated correctly based upon the formula. She also expressed frustration that the program does not account for petitioner's special, expensive diet. While Mr. Primo noted that special diets cannot be considered, the prohibition is not just a local or statewide policy. The prohibition is found in the Code of Federal Regulations. See 7 C.F.R. §273.9(d)(3).

CONCLUSIONS OF LAW

Although petitioner's January, 2026 FS were calculated incorrectly, the error was corrected and her FS should be issued correctly for future months.

THEREFORE, it is

ORDERED

That the petition for review is hereby 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, 4822 Madison Yards Way, 5th Floor North, 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.

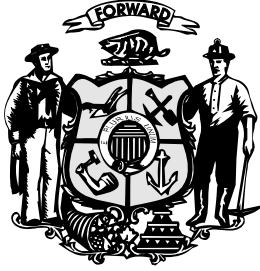
APPEAL TO COURT

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, 201 E. Washington Ave., **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 January, 2026

\s _____
Brian C. Schneider
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 January 29, 2026.

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