



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

CCB/170949

PRELIMINARY RECITALS

Pursuant to a petition filed December 23, 2015, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Marathon County Department of Social Services in regard to Child Care (CC) benefits, a hearing was held on February 2, 2016, at Wausau, Wisconsin.

The issue for determination is whether the agency correctly discontinued the petitioner's CC benefits due to failure to completely verify income.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Children and Families
201 East Washington Avenue, Room G200
Madison, Wisconsin 53703

By: Ms. [Redacted], Lead ES Spec.
Marathon County Department of Social Services
400 E. Thomas Street
Wausau, WI 54403

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Marathon County.
2. Prior to November 2015, the petitioner was receiving CC benefits for her household of three persons (self and two children). Her case was due for completion of a periodic review no later than October 31, 2015.

3. On October 19, 2015, the Department issued written notice of CC case closure to the petitioner, to be effective November 1, 2015. The basis for closure was that she had not completed her review at that time.
4. On October 26, 2015, the petitioner sent in her six-month review form. She declared that she was employed at [REDACTED] and at [REDACTED]. Proof of a month's worth of income was not attached. On October 29, 2015, the Department mailed a verification request letter to the petitioner, asking for a month's worth (two bi-weekly paystubs) of earnings verification from the two employers. The deadline for submitting the paystubs was November 6, 2015.
5. On November 4, 2015, the petitioner sent in one bi-weekly paystub from each job; thus, a month's worth of earnings were not verified. After receiving nothing further, the Department issued a written notice on November 10, 2015, declaring that her CC case remained closed from November 1, 2015 onward. The basis for closure was failure to submit enough income verification.
6. The petitioner reapplied for CC on December 14, 2015. A written income verification request was mailed to her on December 16, 2015, with a due date of December 28, 2015. She did timely submit the two needed paystubs from [REDACTED], but no income verification from [REDACTED] was received by that deadline. On December 29, 2015, the Department issued written notice to the petitioner advising that her December CC application had been denied. The basis for denial was failure to verify income.

DISCUSSION

Wis. Stat § 49.155 authorizes the department to operate a child care subsidy program for Wisconsin Works (W-2) recipients and working parents. See also, *W-2 Manual*, 15.2.0. The department has a *Wisconsin Shares Child Care Subsidy Manual (Manual)* that provides the specific policies for the program. The *Manual* may be viewed online at <http://www.dcf.wi.gov/childcare/ccpolicymanual/whnjs.htm>.

The child care subsidy program's (CC) authorizing statute contains financial and nonfinancial eligibility criteria. If applicant parents do not meet the nonfinancial and financial eligibility criteria, then CC cannot be granted. The agency is required to verify that the recipient meets some of the criteria, such as the program income limit. *Manual*, §§ 1.6.1 – 1.6.2.2.

The county agency closed the petitioner's CC case for failure to supply requested employment verification. That closure was correct. The agency needs to know how much money a person is earning, in order to be sure that she still qualifies for the program. Correct income is also needed to get the subsidy amount correct, and to check that the hours actually worked match up with the number of CC hours that are being approved.

The petitioner reapplied in December, and the agency again correctly told her verbally (during an interview) and in the letter dated December 16, that she had to verify at least 30 days' income from both employers by December 29. She verified the income from one employer, but not the other. Thus, denial of the December CC application was correct.

It was suggested at hearing that the petitioner reapply, and this time to be sure to supply two paystubs from both employers.

CONCLUSIONS OF LAW

1. The Department correctly closed the petitioner's CC case effective November 1, 2015, for failure to verify income.

2. The Department correctly denied the petitioner's December 2015 CC application, for failure to verify income.

THEREFORE, it is

ORDERED

That the 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.

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 Children and Families, 201 East Washington Avenue, Room G200, 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 3rd day of February, 2016

\sNancy J. Gagnon
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 February 3, 2016.

Marathon County Department of Social Services
Child Care Benefits