



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

CCB/171902

PRELIMINARY RECITALS

Pursuant to a petition filed February 05, 2016, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Kenosha County Human Service Department in regard to Child Care (CC), a hearing was held on April 14, 2016, at Kenosha, Wisconsin.

The issue for determination is whether the agency properly denied the Petitioner's child care benefits for December, 2015 and January, 2016.

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: [Redacted]

Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Kenosha County.
2. On October 19, 2015, the agency issued a notice to the Petitioner that her child care benefits would end effective October 31, 2015 because her renewal was not yet complete. The Petitioner's case closed on or about November 1, 2015.

3. On December 9, 2015, the Petitioner re-applied for child care benefits. The Petitioner reported that she is employed with [REDACTED] but she had not worked for them since November, 2015.
4. On December 16, 2015, the agency issued a Notice of Proof Needed requesting wage verification for [REDACTED] and [REDACTED]. The due date for the verifications was December 28, 2015.
5. On December 23, 2015, the Petitioner submitted employment verification for [REDACTED].
6. On December 29, 2015, the agency issued a notice to the Petitioner that her child care application was denied effective December 1, 2015 due to failure to verify wages.
7. On February 3, 2016, the Petitioner contacted the agency to inquire about her child care case. She was informed it had closed due to lack of verification from [REDACTED]. Petitioner re-applied for child care benefits.
8. On February 5, 2016, the Petitioner provided verification regarding her employment status with [REDACTED] to the agency. The Petitioner was approved for child care benefits effective February 1, 2016.
9. On February 5, 2016, the Petitioner filed an appeal with the Division of Hearings and Appeals.

### DISCUSSION

Wis. Stat., §49.155 authorizes the Department of Children and Families, through county agencies, to operate a child care subsidy for Wisconsin Works (W-2) recipients and working caretakers. The department has a Child Care Manual (CCM) that provides the specific policies for the program.

The county agency must re-determine a child care recipients' eligibility at least every six months. CCM, § 1.9.2. The agency must verify financial eligibility. CCM, § 1.6.2. The agency must request the verification needed in writing and must provide the recipient with at least 7 days to produce the requested verification. CCM, §§ 1.6.6 & 1.6.7. The recipient has the responsibility to provide the verification. CCM, § 1.6.1. If the verification is not received within 7 days, a denial notice is generated. CCM, § 1.6.7. If the agency receives the verification within 30 days of the date of the filing of the application, benefits may be opened effective the first day of the month upon a determination of eligibility by the agency. CCM, § 1.3.7. If an applicant's case is closed for more than 30 days, a new application must be filed. CCM, § 1.3.8.

In this case, the Petitioner asserts that her verbal statements to the agency in December, 2015 that she was no longer employed at [REDACTED] were sufficient verification of her employment status. I disagree. The Petitioner was responsible for providing verification of her employment status from the employer. She did not do so by the requested due date or within 30 days of her application. Therefore, the agency was correct in denying her request for child care. The Petitioner did not re-apply for benefits until February 3, 2016 and did not provide the verification from [REDACTED] until February 5, 2016. The agency properly determined eligibility effective February 1, 2016. There is no mechanism to backdate child care benefits and the Petitioner did not provide the information necessary to determine her eligibility for December, 2015 or January, 2016. The agency properly determined the Petitioner's eligibility for child care benefits.

### CONCLUSIONS OF LAW

The agency properly determined the Petitioner's eligibility for child care benefits.

**THEREFORE, it is**

**ORDERED**

That the Petitioner's 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 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 Milwaukee,  
Wisconsin, this 27th day of June, 2016

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\sDebra Bursinger  
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 June 27, 2016.

Kenosha County Human Service Department  
Child Care Benefits