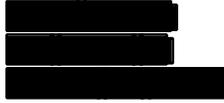




STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION
Case #: CCB - 174482

PRELIMINARY RECITALS

Pursuant to a petition filed on May 18, 2016, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Wood County Human Services - WI Rapids regarding Child Care (CC), a hearing was held on July 5, 2016, by telephone.

The issue for determination is whether the agency erred in its denial of Child Care benefits for the month of April 2016.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: 
Wood County Human Services - WI Rapids
220 Third Avenue South
Suite 4
Wisconsin Rapids, WI 54495

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Lincoln County.

2. On February 15, 2016, a notice was sent informing petitioner that he was required to complete a periodic review by March 31, 2016 if he wished to have CC benefits continue.
3. The agency did not receive any response and on March 18, 2016 the agency sent a notice informing him that his benefits would end on March 31, 2016 because he had not completed a review.
4. On April 12, 2016, petitioner completed an online renewal.
5. On April 14, the agency processed the review and issued a notice to petitioner informing him that he was required to submit written verification of employment and dependent care costs for the children. The verification was due by April 22, 2016.
6. On April 25, the agency had not received verification and denied the CC eligibility.
7. On May 2, 2016, petitioner filed a new application for CC. All required verification was submitted and the CC case was processed and approved on May 13, 2016 with benefits granted retroactive to May 1, 2016.
8. Petitioner appealed the denial of the April CC benefits.

DISCUSSION

At hearing, petitioner testified that he tried to send some documents by e-mail but he was vague as to what was sent or when it was sent. With regard to the delinquent verification, petitioner speculated that it was "probably e-mailed." He also stated "I feel like a supplied the information..." I do not doubt that petitioner has perhaps had some challenges in communication efforts with the agency. But, the verification due on April 22, 2016 was the critical piece of missing information that caused the case to close and deny benefits for April. Petitioner offered nothing specific that could cause me to find that he made a good faith effort to meet the verification requirement. Furthermore, the facts demonstrate a pattern of lateness by petitioner in responding to the agency.

CONCLUSIONS OF LAW

The agency did not err in closing the CC case after it did not receive the required verification.

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 Children and Families, 201 East Washington Avenue, Room G200, **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 13th day of September, 2016

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



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on September 13, 2016.

Wood County Human Services - WI Rapids
Child Care Benefits