

2. On February 17, 2016 the agency mailed the petitioner a notice stating that her eligibility for child care was ending February 29, 2016 because changes reported on her six-month report form had not been processed. The notice went on to state that the petitioner had until April 15, 2016 to Request a Fair Hearing.
3. The petitioner did not request a fair hearing on or before April 15, 2016.
4. On April 7, 2016 the petitioner came into the agency, and provided some employment verification. The verification provided showed that the petitioner's monthly gross income was \$2,480.70. The agency was still waiting for additional employment verification from another employer.
5. On June 20, 2016 the petitioner applied for FoodShare benefits. The agency discovered that they only needed a sworn statement from the petitioner for the other employer. They did not need the employment verification as they had previously informed the petitioner. The agency then determined the petitioner's child care eligibility back to April 1, 2016 because the petitioner had provided sufficient employment verification on April 7, 2016. Based upon the petitioner's monthly gross income of \$2,480.70 as a household size of two, she was ineligible for child care assistance.
6. On June 21, 2016 the agency sent the petitioner a notice stating that she was denied child care benefits effective April 1, 2016.
7. On June 21, 2016 the Division of Hearings and Appeals received the petitioner's Request for Fair Hearing.

DISCUSSION

The purpose of the Wisconsin Shares Child Care Program is to provide child care assistance for working low-income families. *Child Care Manual* § 1.1.1. The Wisconsin Shares Child Care Program is regulated under DCF 201 Administration of Child Care Funds (administrative code) and Wisconsin Statutes s. 49.155 Stats. *Child Care Manual* § 1.1.1.

A person applying for childcare assistance must have gross income below 185% of the federal poverty level. *Childcare Policy Manual* § 1.5.1.1. The federal poverty level for a household size of 2 is \$2,470.00. The childcare program only looks at gross income, not net income. *Id.* For a household to continue to receive child care assistance, the household income must remain under 200% FPL. *Child Care Manual* § 1.5.1.2. 200% FPL for a household size of 2 is \$2,656.

In this case the petitioner testified that her salary is \$30,000 per year. The agency determined that her monthly household gross income for the purpose of child care benefits was \$2,480.70. This is slightly less than \$30,000 divided by 12, which is \$2,500. This exceeds 185% FPL for a household size of 2, and thus the petitioner is ineligible for child care benefits.

I note that if the petitioner had timely completed her six month report in February 2016 by timely verifying her income, she could have remained eligible for child care assistance because although her income is above 185% FPL, it is below 200% FPL. 200% FPL is the cut off for ongoing eligibility. The petitioner's deadline to appeal the February discontinuance notice was April 15, 2016. The Division of Hearings and Appeals did not receive the petitioner's Request for Fair Hearing until June 21, 2016. This is well beyond the time limit in which to appeal the February 2016 discontinuance, and thus I cannot address that issue. Because the petitioner's child care benefits discontinued, she had to reapply, and the agency used the proper income limits to determine the petitioner's eligibility. If the petitioner's income decreases below 185% FPL, she may reapply for child care benefits.

CONCLUSIONS OF LAW

The agency correctly denied the petitioner child care benefits effective April 1, 2016.

THEREFORE, it is

ORDERED

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 Milwaukee,
Wisconsin, this 3rd day of August, 2016

\s _____
Corinne Balter
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 3, 2016.

Milwaukee Enrollment Services
Child Care Benefits