



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

CTS/143074

PRELIMINARY RECITALS

Pursuant to a petition filed August 13, 2012, under Wis. Stat. § 227.42, to review a decision by the Dane County Department of Human Services in regard to Caretaker Supplement (CTS) benefits, a hearing was held on October 9, 2012, at Madison, Wisconsin.

The issue for determination is whether the agency correctly denied the petitioner's June 2012 CTS benefit application for his child.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: F. Banuelos, ES Spec.
Dane County Department of Human Services
1819 Aberg Avenue
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. As of at least January 2012, the petitioner has resided with [REDACTED] and their minor child-in-common. Ms. [REDACTED] receives SSI for herself.

3. The household received CTS for the child from February through April 2012. On April 11, 2012, the agency received notification from the child support office that the petitioner had been adjudicated as the father of the child-in-common. The county agency then discontinued the CTS benefit effective April 30, 2012.
4. The petitioner's household reapplied for CTS in June 2012. On June 27, 2012, the Department issued written notice to the petitioner advising that the CTS application had been denied. The basis for denial was that only one, rather than both, of the child's parents was receiving SSI. See, Exhibit 4, *Notice of 6/27/12*.
5. The petitioner receives Social Security Disability payments of \$908 monthly. Social Security Disability is not the same as the federal SSI benefit. He does not receive the SSI benefit.

DISCUSSION

Beginning January 1, 1998, with the advent of the Wisconsin Works (W-2) program, AFDC ceased to exist in this state. Since W-2 is a work program, and SSI recipients by definition are unable to work, SSI recipients cannot qualify for W-2. The state thus implemented the Caretaker Supplement Program, which currently pays SSI recipient parents \$250 per month for one child, and \$150 per month for additional children. The program is mandated by Wis. Stats., §49.775.

To be eligible for the CTS payments the following criteria must be met: (1) the caretaker must be an SSI recipient, or if both parents are in the home, both parents must receive SSI; (2) the child or children must meet the financial and non-financial criteria for AFDC as it existed on July 16, 1996; and (3) the child or children must not receive SSI payments themselves. Wis. Stats., §49.775(2).

In this case, only one of the parents receives SSI (the mother). The petitioner expressed his belief that he receives a combination of Social Security Disability and SSI. However, he brought no documentation from the Social Security Administration to establish that this is currently true. The county agency has checked the Social Security Administration database cross-matched records, and found no evidence that the petitioner is receiving SSI at this time. Therefore, the agency's CTS denial stands.

CONCLUSIONS OF LAW

The agency correctly denied the petitioner's June 2012 CTS application.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Madison,
Wisconsin, this 12th day of October, 2012

Nancy 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 October 12, 2012.

Dane County Department of Human Services
Division of Health Care Access and Accountability