



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

CCB/143149

PRELIMINARY RECITALS

Pursuant to a petition filed August 15, 2012, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Milwaukee Enrollment Services in regard to Child Care, a hearing was held on October 17, 2012, at Milwaukee, Wisconsin.

The issue for determination is whether the Department correctly discontinued the petitioner's Child Care (CC) benefit effective July 31, 2012.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Alma Lezama, HSPC Sr.
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

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

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Prior to August 2012, the petitioner had an ongoing CC benefit case. Her case was due for a review in June 2012. On June 12, 2012, the petitioner underwent a telephonic review. She was told that she would have to sign a review signature page, and the agency sent the signature page

and cover letter to her on June 13, 2012. The signature page should have been returned by June 30, 2012.

3. The petitioner did not return the signature page at any time in June or July 2012. On July 6, 2012, the Department issued written notice to the petitioner advising that her CC eligibility would be discontinued effective July 31, 2012. The basis for discontinuance was failure to return the signature page.

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 *Child Care Manual* that provides program policies, at <http://dcf.wisconsin.gov/childcare/wishares/manual.htm>

To qualify for Childcare Assistance (CC), a parent or “person acting in the place of a parent” must have a low income. Wis. Stat. §49.155(1)(c), & (1m). Specifically, new applicants cannot have income exceeding 185% of the Federal Poverty Level (FPL) and ongoing recipients cannot have income exceeding 200% FPL. *Child Care Manual (Manual)*, Ch. 1, §§1.6.2 & 1.6.3.

The petitioner’s case was closed due to a procedural problem – failure to complete a periodic review. The agency is required to redetermine a parent’s eligibility for CC every six months or upon the report of a material change. Wis. Admin. Code §DCF 201.04(3); Wis. Stat. §49.155(3)(e). The petitioner failed to complete her review by failing to timely turn in her signature page. When asked during hearing if she sent a signature page in to the agency, her answer was that she “was not sure.” The agency has no record of receiving it. Based on this record, the agency’s closure action stands. The petitioner may apply for CC again in the future if she so desires.

The petitioner also contested a CC overpayment determination. That matter will be reviewed in a separate decision.

CONCLUSIONS OF LAW

1. The Department correctly discontinued the petitioner’s CC case effective July 31, 2012, for failure to return a review signature page.

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 Children and Families. 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: 201 East Washington Avenue, 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 30th 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 30, 2012.

Milwaukee Enrollment Services
Child Care Benefits