



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]

DECISION

CCB/145541

PRELIMINARY RECITALS

Pursuant to a petition filed November 26, 2012, under Wis. Admin. Code, §HA 3.03(4), to review a decision by the Vilas County Dept. of Social Services in regard to child care services, a hearing was held on January 8, 2013, by telephone.

The issue for determination is the payment for retroactive child care services.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Renee Ryan
Vilas County Dept. of Social Services
330 Court Street
Eagle River, WI 54521

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Vilas County.
2. Petitioner applied for child care on July 18, 2012. She reported that she and her husband were employed.
3. On August 17, 2012, the county notified petitioner that she was eligible for child care effective July 1, 2012. However, the county worker informed petitioner that no authorization could be done at that time because the agency still had not received verification of work hours.

4. Petitioner took her children to child care full-time during the period when eligibility and authorizations were being determined.
5. When the work hours were finally received in November, 2012, the worker found that there were substantial periods of time when one or both of the parents were not working. The agency thus paid for only hours when both parents were working (plus travel). As a result petitioner owes the child care provider some \$800 because she took the children full-time.

DISCUSSION

A parent is eligible for child care services if she needs the care to attend Wisconsin Works (W-2) approved school, to work, or to participate in W-2 activities. Wis. Stat., §49.155(1m)(a); W-2 Manual, §15.2.0. If both parents are in the household both must be working or attending W-2 activities. Wis. Adm. Code, §DCF 101.26(1).

The Wisconsin Share Child Care Assistance Manual sets out the Department's policies for operating the program. The Manual, at §3.6.18, provides: "In all two-parent households, the number of hours authorized for child care should cover only the overlapping hours when both parents are participating in approved activities." Furthermore, when doing backdated authorizations, the Manual provides at §3.6.15, that when agencies do backdated authorizations, they must "view the child care provider's sign-up sheets."

In this case the agency could not authorize the child care initially because the parents' work hours were unclear. Then it took several months to actually obtain work hours. When the worker finally was able to do the backdated authorization, she had to compare the parents' overlapping work hours with the provider's sign-in/sign-out sheets. As a result only the day care hours when the parents were working could be authorized.

The agency action was correct. It is unfortunate that petitioner assumed that full-time care would be authorized, but I cannot ignore the Department's policies and grant authorization based upon a mistaken assumption.

CONCLUSIONS OF LAW

The county correctly determined child care hours to authorize when it did a backdated authorization.

THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby 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 served and 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 15th day of January, 2013

\sBrian C. Schneider
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 January 15, 2013.

Vilas County Department of Social Services
Child Care Benefits