



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

CCB/146293

PRELIMINARY RECITALS

Pursuant to a petition filed December 28, 2012, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Outagamie County Department of Human Services in regard to Child Care, a telephonic hearing was held on January 31, 2013, at Appleton, Wisconsin.

The issue for determination is whether there is any remaining issue in dispute regarding the petitioner's child care benefits.

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: Sarah Sweere, ESS

Outagamie County Department of Human Services
401 S. Elm Street
Appleton, WI 54911-5985

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Outagamie County.
2. The county agency authorized child care benefits for petitioner's one child from November 4, 2012 to December 8, 2012 at [REDACTED]

3. Petitioner's husband, [REDACTED] moved into the petitioner's household on December 6, 2012.
4. The county agency sent a December 18, 2012 Notice of Decision to the petitioner stating that her child care benefits would discontinue effective January 1, 2013, due to both parents needed to be participating in approved W-2 activities for continued child care benefits for their one child.
5. During the January 31, 2013 hearing, the county agency representative stipulated that petitioner's child was eligible for child care benefits as of January 1, 2013, because petitioner's husband was participating in approved W-2 activities as of January 1, 2013.
6. The petitioner concurred with the stipulation set forth in Finding of Fact #5 above, and agreed there was no longer any issue in dispute regarding her child care benefits.

CONCLUSIONS OF LAW

There is no longer any remaining issue in dispute regarding the petitioner's child care benefits because the county agency representative stipulated that petitioner's child was eligible for child care benefits as of January 1, 2013.

THEREFORE, it is

ORDERED

The matter is remanded to the county agency with instructions to take the necessary action to approve petitioner's child for child care benefits for one child retroactive to January 1, 2013 within 10 days of the date of this Decision.

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 25th day of February, 2013

\sGary M. Wolkstein
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 February 25, 2013.

Outagamie County Department of Human Services
Child Care Benefits