



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCO/146505

PRELIMINARY RECITALS

Pursuant to a petition filed January 11, 2013, under Wis. Admin. Code § HA 3.03, to review a decision by the Fond Du Lac County Department of Social Services in regard to Child Care, a hearing was held on January 29, 2013, at Fond Du Lac, Wisconsin. Post hearing petitioner provided additional information to the respondent, which corroborated the petitioner's testimony at hearing. The respondent agreed to recalculate the overpayment upon receipt of said documentation, and on or about February 13, 2013, respondent submitted notice to the petitioner regarding the re-determined overpayment and appurtenant appeal rights.

The issue for determination is whether the petitioner was overpaid \$828.80 in Child Care (CC) benefits from October 21, 2012 to November 24, 2012 (claim # [REDACTED]).

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Deb Bohlman

Fond Du Lac County Department of Social Services
87 Vincent Street
Fond Du Lac, WI 54935-4595

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Fond Du Lac County.
2. On December 21, 2012, the agency issued written notice to the petitioner advising that she had been overpaid CC benefits of \$828.80 for the October 21, 2012 to November 24, 2012, period. The alleged basis for overpayment was administrative error: the petitioner was improperly authorized for CC benefits after meeting the Child Care for Education 24-month limit. Exhibit 3.
3. In making its overpayment determination, the agency budgeted all CC payments made on petitioner's behalf after the limit had been exceeded. Petitioner testified that at hearing that she worked at least 20 hours per week during certain periods, and provided respondent with pay stubs to verify this. Respondent agreed to review and, if warranted, re-calculate the overpayment.
4. Post-hearing, the petitioner submitted her paystubs to the agency. Upon reviewing this information, the agency modified its position. Per a letter dated February 13, 2013, the agency has re-determined the overpayment assessed. The agency subsequently has issued a new notice and Overpayment Worksheet to the petitioner.

DISCUSSION

Based on post-hearing submissions and the agency's re-determination, the agency has recalculated the overpayment and submitted a new notice (with appeal rights) to the petitioner. Thus, no issue remains for resolution by this Administrative Law Judge.

CONCLUSIONS OF LAW

The agency has recalculated the overpayment and submitted a new notice (with appeal rights) to the petitioner. Thus, no issue remains for resolution by this Administrative Law Judge.

NOW, THEREFORE, it is ORDERED

That the petition herein be remanded to the county agency with instructions to complete its redetermination of the petitioner's CC overpayment liability for the October 21, 2012 to November 24, 2012, period. Pursuant to correspondence from the respondent dated February 13, 2013, the redetermination has been completed, and notice has been submitted to the petitioner, including notice of her appeal rights.

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 April, 2013

\sPeter McCombs
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on April 25, 2013.

Fond Du Lac County Department of Social Services
Public Assistance Collection Unit
Child Care Fraud