



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

CCB/147041

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**PRELIMINARY RECITALS**

Pursuant to a petition filed January 30, 2013, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Dane County Department of Human Services in regard to Child Care, a telephonic hearing was held on February 27, 2013, at Madison, Wisconsin.

The issue for determination is whether the county agency correctly denied the petitioner's January, 2013 child care renewal application due to failure to timely verify all requested information to the county agency.

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: Robin McMillan, ESS

Dane County Department of Human Services  
1819 Aberg Avenue  
Suite D  
Madison, WI 53704-6343

**ADMINISTRATIVE LAW JUDGE:**

Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County who resides with her two minor children and her father, Bruno Cenite.
2. The petitioner receives child care benefits for her two minor children from the county agency.

3. The petitioner participated in her child care interview on January 7, 2013.
4. The county agency sent a January 8, 2013 Verification Request of the petitioner stating that she needed to provide to the county agency by January 17, 2013 the following: a) to sign her child care application; and b) provide documentation of where she is living with her two children (with a lease, utility bill or statement from a landlord). The verification request was received by petitioner.
5. The petitioner returned her application signature page by January 17, 2013, but failed to provide any verification of where she was living.
6. The county agency sent a January 18, 2013 Notice of Decision to the petitioner denying the petitioner's January, 2013 renewal child care application due to failure to verify petitioner's address (residence).
7. The petitioner requested another copy of the verification request which was mailed to her on February 1, 2013 with a deadline of February 10, 2013.
8. The petitioner failed to provide the requested verification of her address to the Dane county agency by February 10, 2013.
9. The county agency sent a February 13, 2013 Notice of Decision to the petitioner denying the petitioner's January, 2013 renewal child care application due to failure to verify petitioner's address (residence).

### DISCUSSION

Wis. Stat., §49.155 authorizes the department to operate a child care subsidy for Wisconsin Works (W-2) recipients and working parents. The department has a Child Day Care Manual that provides the specific policies for the program. Eligibility for child care runs for six month periods. Manual, Chapter 1, §1.15.3.

The Wisconsin Child Day Care Manual provides that the county agency can request any information that is necessary and appropriate in order to make a correct eligibility decision. *Child Care Manual 1.7.1*. As the applicant, petitioner had the primary responsibility for providing verification. *Child Care Manual 1.7.3*. The county agency must inform the applicant in writing of the verification items that are needed along with a due date. *Child Care Manual 1.7.4*. **If the applicant fails to produce the information, no eligibility shall exist. *Child Care Manual 1.7.7*. Rather, the application may be denied or the case may be closed. *Child Care Manual 1.7.7*.**

During the February 27, 2013 hearing, the county representative provided documentation that the verification requests and negative notices were sent to the petitioner at her correct address. Those notices stated the reason for the denial of petitioner's child care renewal application due to failure to verify petitioner's address. The petitioner admitted receiving the January 8, 2013 verification request, and did not contest that she received the later verification request or the denial notices. The petitioner alleged some unconvincing excuses with no reliable testimony or documentation. The petitioner's testimony was not credible.

As indicated above, child care applicants are required to timely verify all necessary information to order to determine the petitioner's child care eligibility and benefits. Accordingly, based upon the above, I must conclude that the county agency correctly denied petitioner's child care renewal application due to failure to timely verify required information to the county agency.

As dicta, even if the petitioner has not already done so, the petitioner may wish to promptly re-apply for child care benefits, but must provide all necessary financial and non-financial verification to the county agency.

**CONCLUSIONS OF LAW**

The county agency correctly denied the petitioner's January, 2013 child care renewal application due to failure to timely verify all requested information to the county agency.

**THEREFORE, it is**

**ORDERED**

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 22nd day of May, 2013

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\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 May 22, 2013.

Dane County Department of Human Services  
Child Care Benefits