



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/148036

PRELIMINARY RECITALS

Pursuant to a petition filed March 15, 2013, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Milwaukee Enrollment Services ["MiLES"] in regard to Child Care ["CC"], a Hearing was held via telephone on May 07, 2013.

The issue for determination is whether it was correct to deny petitioner's February 25, 2013 application for Wisconsin Works ["W2"] CC.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Children and Families
201 East Washington Avenue
Madison, Wisconsin 53703
By: Lee Yang, HSPC
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On February 25, 2013 petitioner applied for W2 CC via an online *ACCESS* application.
3. Petitioner received a letter dated February 27, 2013 entitled *Notice of Action and Proof Needed*; that February 27th letter requested verification of where petitioner was living; the verification was due March 7, 2013; examples given were lease, utility bill, or statement from landlord; the February 27th letter also stated: “If you do not have any of the examples of proof listed, there are other things you can use. For a complete list of examples, go online to dhs.wi.gov/em/customerhelp or contact us.”
4. Petitioner did not provide the verification requested by the March 7, 2013 deadline; petitioner did not contact MiLES concerning the verification.
5. MiLES denied petitioner's February 25, 2013 W2 CC application because the requested verification was not provided by the March 7, 2013 deadline.

DISCUSSION

No eligibility exists for W-2 CC when an individual has the power to produce required verification but refuses or fails to do so. Wis. Admin. Code § DCF 101.11(3) (February 2012); see also, Wis. Stat. § 49.155(1m)(d) (2011-12). The applicant or participant has 7 working days from the date the verification request is made to provide the needed verification. The participant must be informed in writing of the verification items required, including the due date. If the applicant is able to produce the information, but refuses or fails to do so, he or she is not eligible and the case must be denied or closed. *Wisconsin Works (W-2) Manual* [“W2 Manual”] 4.1.3.

The Wisconsin Shares child care assistance applicant has the primary responsibility for providing verification and resolving questionable information. Wisconsin Shares Child Care Assistance Manual [“CC Manual”] 1.7.3. The applicant must be informed in writing of the verification items that are needed along with a due date. CC Manual 1.7.4. The applicant has seven (7) business days from the date the verification request is made to submit the needed verification to the Wisconsin Works or County/Tribal Human services agency. CC Manual 1.7.5. If the applicant is able to produce the information, but refuses or fails to do so, no eligibility shall exist. If the applicant fails or refuses to provide verification, the Wisconsin Shares child care assistance application may be denied or the case may be closed. No eligibility shall exist when an individual has the power to produce required verification, but refuses or fails to do so. CC Manual 1.7.7.

If the applicant is unable to produce the requested verification items, or requires assistance to do so, the applicant agency must assist the applicant in obtaining the verification. If the applicant has made a reasonable effort and cannot obtain the information, the application must not be denied based upon the information that could not be obtained. Instead, the agency must use the

available information to process the case and then reassess the case when the requested information is received. The exception is for the FEIN verification requirement for qualified unsubsidized employment as an approved activity. CC Manual 1.7.6.; See also, W2 Manual 4.1.3.

Petitioner did not provide the requested verification by the March 7th deadline. Therefore, it was correct to deny petitioner's February 25th application for W2 CC. Petitioner may reapply for W2 CC if she wishes to do so.

Petitioner testified that she did not think that there was anything she could do because her landlord was out of the country, her roommate had a copy of the lease but that copy was not signed, and she is not on the utility bill. However, as explained in the February 27th letter notice petitioner received, petitioner could have gone online to the listed website or petitioner could have contacted MiLES directly. Petitioner did not do either. MiLES cannot assist petitioner in obtaining verification if it is not informed that assistance is needed.

CONCLUSIONS OF LAW

For the reasons discussed above, it was correct to deny petitioner's February 25, 2013 application for W2 CC.

NOW, 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 6th day of June,
2013

\sSean P. Maloney
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 June 6, 2013.

Milwaukee Enrollment Services
Child Care Benefits