



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/149345

PRELIMINARY RECITALS

Pursuant to a petition filed May 11, 2013, under Wis. Admin. Code §HA 3.03(4), to review a decision by the La Crosse County Department of Human Services ["County"] in regard to Child Care ["CC"], a Hearing was held via telephone on July 10, 2013. At petitioner's request a Hearing scheduled for June 19, 2013 was rescheduled. The Hearing for this matter was held at the same time as the Hearing for the following closely related matter concerning the same petitioner: FOO-149343.

The issue for determination is whether it was correct to deny petitioner's April 22, 2013 application for 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: Tom Miller, ES Supervisor

La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Monroe County.

2. On April 22, 2013 petitioner applied for CC.
3. There are 2 people in petitioner's CC household (petitioner and her minor son [3 years old]).
4. Petitioner's CC household has total monthly gross income of at least \$2,400.00 consisting of petitioner's earned income from her employment by the [REDACTED] [REDACTED] where she works 40 hours per week at the rate of \$15 per hour.
5. By a *Notice of Eligibility for Child Care* notice dated May 6, 2013 the County denied petitioner's April 22, 2013 application for CC because her household income is over the CC program income limit.

DISCUSSION

Low-income parents applying for child care assistance must have gross income at or below 185% of the Federal Poverty Level ["FPL"]. Once a family has established eligibility, gross income can rise to 200% FPL. Parents are eligible for child care assistance, until the gross income exceeds 200% FPL. Wis. Stat. § 49.155(1m)(c)1. (2011-12); *Child Care Assistance Manual* (June 2012) 1.6.2 & 1.6.3. For a household size of 2, such as petitioner's, 185% of the FPL is \$2,332.54. *Medicaid Eligibility Handbook* ["MEH"] 39.5. Petitioner's gross monthly income is at least \$2,400 (\$15.00 per hour times 40 hours per week times at least 4 weeks per month). Thus, it was correct to deny petitioner's April 22, 2013 application for CC.

Petitioner testified that she is really trying, that she will have to leave her child with neighbors when she goes to work if she does not get some help, and that her only other option is not to work. Petitioner's circumstances are sympathetic. However, income eligibility for CC is governed by the law as detailed above.

CONCLUSIONS OF LAW

For the reasons discussed above, it was correct to deny petitioner's April 22, 2013 application for 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 15th day of July, 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 July 15, 2013.

La Crosse County Department of Human Services
Child Care Benefits