



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

CCB/150931

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**PRELIMINARY RECITALS**

Pursuant to a petition filed July 25, 2013, under Wis. Admin. Code, §HA 3.03(4), to review a decision by the Marathon County Dept. of Social Services to deny child care assistance, a hearing was held on September 4, 2013.

The issue for determination is whether the agency correctly denied child care because petitioner did not return the signature page until more than 30 days after the application date.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703

By: Maikou Yang  
Marathon County Dept. of Social Services  
400 E. Thomas Street  
Wausau, WI 54403

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Marathon County.
2. Petitioner applied for child care on March 1, 2013. A telephone interview was conducted on March 20, and petitioner was given a verification request with a due date of Friday, March 29, 2013. Included in the request was a copy of the signature page for the application.
3. Petitioner did not return the verification or the signature page by the deadline. By a notice dated Monday, April 1, 2013, the county informed petitioner that her application for child care was

- denied. The notice told her that if she disagreed with the denial she could appeal by May 16, 2013.
4. On April 3, 2013, petitioner contacted the agency call center and told the representative that she had mailed the information in on April 2. The representative told her that they would be processed. The items were received by the agency on April 3.
  5. When a county worker processed the verification items on May 2, she realized that they had been received more than 30 days after application. The case thus remained closed. Petitioner then filed this appeal in July, 2013 after being told by the child care center that it was not being paid. Petitioner reapplied for child care in June and was granted eligibility effective June 1, 2013.

### DISCUSSION

The application process for child care is found in the Department's Wisconsin Shares Child Care Assistance Manual, Chapter 1. For an application to be considered complete the applicant must sign the application summary. This can be done at the in-person interview, or if the interview is by telephone, within ten days. Manual, §1.3.2. If the signature page is not returned within ten days the application shall be denied. Id.

In addition a number of facts need to be verified including identification, age, residence, and income. Manual, §1.7.2. The applicant must be informed of the verification items in writing. Manual, §1.7.3. The applicant has seven days to submit the verification. Manual, §1.7.4. The agency can allow more than seven days if there are extenuating circumstances, but the deadline cannot extend beyond 30 days from the date of application. Id.

In this case it is undisputed that petitioner did not return the items by the March 29 deadline. She did not contact the agency prior to the deadline to request an extension. Petitioner acknowledges that she simply failed to get the information in timely. Petitioner's complaint is that the worker who took the call on April 3, 2013 did not tell her that she needed to reapply. I really have no opinion about that, however. I have no idea what was said or whether the representative who took the call realized that the application was beyond 30 days when the call was made.

I actually have a bigger problem with the failure to contact petitioner when the items were processed on May 2. When the worker realized that they were late, she should have at least contacted petitioner and informed her. Petitioner was unfamiliar with the process and would not have known that she should have received a positive notice and an authorization notice, and a responsible worker would not have simply sloughed off the case without some form of notice to the customer that there was a problem with the April 3 submission.

That said, I am unable to formulate a remedy for petitioner. The policy clearly states that the signature page and verification must be filed within 30 days unless the person requests an extension before the time limit. Once denied, the person must file a new application, and petitioner did not do so until June, 2013. Perhaps somebody should have told petitioner to file a new application sometime before June, but a Division of Hearings and Appeals ALJ does not have authority to formulate an equitable resolution. Furthermore, petitioner did not appeal the April 1, 2013 denial within the 45-day time limit, so this office also does not have jurisdiction over the original denial. I would have to say that petitioner effectively "reapplied" on April 3 to somehow gain jurisdiction, but the program clearly requires an actual application to open benefits, and there was none until June.

**CONCLUSIONS OF LAW**

The Division of Hearings and Appeals does not have authority to allow an application date based upon a misunderstanding about the need to file a new application when a prior one was denied.

**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 Health Services. 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: 1 West Wilson Street, 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 9th day of September, 2013

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\sBrian C. Schneider  
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 September 9, 2013.

Marathon County Department of Social Services  
Child Care Benefits