



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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/151220

PRELIMINARY RECITALS

Pursuant to a petition filed August 06, 2013, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Portage County Department of Human Services in regard to Child Care, a telephonic hearing was held on October 07, 2013, at Stevens Point, Wisconsin.

The issue for determination is whether the county agency correctly denied the petitioner’s April 29, 2013 re-application for child care benefits for the period of April 1, 2013 to June 1, 2013, due to petitioner’s failure to timely verify 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: Pang Lai Lor, ESS
Portage County Department of Human Services
817 Whiting Avenue
Stevens Point, WI 54481-5292

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) was a resident of Wood County who moved to Portage County during March, 2013.
2. The petitioner received Child Care benefits (CCB) for her minor son in Wood County.

3. The Wood county agency sent a notice to the petitioner stating that her child care benefits would discontinue effective April 1, 2013 due to moving to Portage county.
4. The Portage county agency sent an April 2, 2013 letter to petitioner notifying her that she needed to re-apply for child care benefits in her new county agency (Portage).
5. On April 29, 2013, the petitioner re-applied for child care in Portage County and requested backdating to April 1, 2013.
6. On May 16, 2013 and May 23, 2013, the county agency sent notices to the petitioner requesting verification including signature page, address verification, Wisconsin Residency school enrollment, income for employment at [REDACTED] [REDACTED] and current child support. The county agency provided extensions until June 7, 2013 for petitioner to submit all required verification.
7. Petitioner did not contact the agency to indicate difficulty in obtaining verification and request assistance.
8. The county agency sent a June 4, 2013 Notice of Decision to the petitioner stating that her April 29, 2013 child care application was denied retroactive to April 1, 2013, due to failure to timely submit all required verification to the county agency.
9. The petitioner did not submit all required verification and signature page to the county agency until June 14, 2013.
10. The county agency stipulated that it re-opened the petitioner's child care benefits as of June 1, 2013.

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 1.71*. 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 October 7, 2013 hearing, the county representative provided reliable documentation that the verification requests and negative notice were sent to the petitioner at her correct address of record. Those notices stated the reason for the denial of petitioner's child care application due to failure to verify all of her required financial and non-financial information and timely sign her child care re-application. The petitioner was unable to refute the county's case with any reliable testimony or evidence. The petitioner did request and receive extensions of time to provide all the verification to the county agency. It was the petitioner's responsibility in her child care application process to verify all required information so that child care eligibility can be accurately determined by the county agency.

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 possible hours of child care authorization. The petitioner did not submit all required verification to the county agency until June 14, 2013. The county agency representative stated correctly that child care policy establishes that **child care eligibility is only backdated to the first of the month in which all verifications are received.** Child Care Manual 1.3.4.

Accordingly, based upon the above, I must conclude that the county agency correctly denied the petitioner's April 29, 2013 child care (CC) re-application from April 1, 2013 to June 1, 2013, due to her failure to timely verify requested income information and timely sign her CC application. As explained above, the county agency stipulated that petitioner's April 29, 2013 child care re-application was approved for child care benefits for her one child as of June 1, 2013 based upon receiving all needed verification on June 14, 2013.

CONCLUSIONS OF LAW

The county agency correctly denied the petitioner's April 29, 2013 re-application for child care benefits for the period of April 1, 2013 to June 1, 2013, due to petitioner's failure to timely verify all required financial and non-financial 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 29th day of November, 2013

\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 November 29, 2013.

Portage County Department of Human Services
Child Care Benefits