



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

CCB/151836

PRELIMINARY RECITALS

Pursuant to a petition filed August 29, 2013, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Marathon County Department of Social Services ["County"] in regard to Child Care ["CC"], a Hearing was held on December 05, 2013, at Wausau, Wisconsin. At petitioner's request a Hearing scheduled for October 16, 2013 was rescheduled.

The issue for determination is whether petitioner may have a CC start date in July 2013.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Children and Families
201 East Washington Avenue
Madison, Wisconsin 53703

By: Maikou Yang, ESS

Marathon County Department of Social Services
400 E. Thomas Street
Wausau, WI 54403

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Marathon County.
2. On August 16, 2013 the County received a CC Request For Assistance ["RFA"] from petitioner.
3. The County determined that petitioner's CC start date can only go back to August 1, 2013.

DISCUSSION

The CC application filing date is set when the agency receives a signed Request For Assistance ["RFA"], the date the application interview is conducted, or the ACCESS application date, whichever comes first. *Child Care Assistance Manual* (June 2012) ["CC Manual"] 1.3.6. Eligibility may be backdated only to the first of the month of the application filing date (unless the applicant requested an intake appointment and was given an appointment for the following month; in this situation eligibility may be backdated to the first of the month that the agency received a signed RFA). CC Manual 1.3.6. Petitioner's CC application filing date is August 16, 2013. Therefore, the County correctly determined that petitioner's CC start date can only go back to August 1, 2013.

Petitioner argues that she contacted the County on July 18, 2013 and was not told to apply for CC. This might be correct, but CC is governed by the policy set forth above and that policy makes clear that eligibility may be backdated only to the first of the month of the application filing date.

CONCLUSIONS OF LAW

For the reasons discussed above, petitioner may not have a CC start date in July 2013.

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 10th day of December, 2013

\sSean P. Maloney
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on December 10, 2013.

Marathon County Department of Social Services
Child Care Benefits