



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/152752

PRELIMINARY RECITALS

Pursuant to a petition filed October 09, 2013, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Wood County Human Services - WI Rapids in regard to Child Care, a hearing was held on December 02, 2013, at Wisconsin Rapids, Wisconsin.

The issue for determination is whether the respondent approved the correct number of Child Care hours.

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: Valerie Patterson

Wood County Human Services - WI Rapids
320 West Grand Avenue
PO Box 8095
Wisconsin Rapids, WI 54495-8095

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Wood County.
2. Petitioner received Child Care benefits for her granddaughter, who lives with her per the Kinship Care program.

3. Petitioner's employer provided a verification form, which indicated that petitioner worked 10.5 hours per week; based upon this verification, petitioner was approved for Child Care benefits 23 hours per week.

DISCUSSION

Wis. Stat., § 49.155 authorizes the department to operate a child care subsidy for Wisconsin Works (W-2) recipients and working parents. All Child Care funding distribution falls under the aegis of the Wisconsin Works (W-2) program, regardless of whether or not the applicant is actually a participant in W-2 activities. Wis. Stat. § 49.155(1m). The department has a *Child Day Care Manual* that provides the specific activities, policies and eligibility requirements (including a discussion of income limits) to qualify for the program. <http://www.dwd.state.wi.us/dws/programs/childcare/wishares/manual.htm>.

Furthermore, to determine Child Care eligibility, the county worker may request verification of income and work hours to determine the number of Child Care hours necessary each week. *Child Day Care Manual*, Chapter 3, § 3.1.0.

The number of hours of Child Care is determined by allowing time to cover both the approved activity (in this case, work) and travel time based on the client's work schedule, school schedule, or employability plan, and Child Care need. *Child Day Care Manual*, §1.2.0. The number of hours of Child Care needed must be verified prior to providing Child Care. Wis. Admin. Code § DWD 12.11(1); *W-2 Manual*, § 4.1.0. In this case, the respondent received verification that petitioner was working 19.5 hours per week. Therefore, petitioner's Child Care benefits were reduced to 23 hours per week. This action by the County was correct.

Petitioner testified that her work hours are extremely volatile. Be that as it may, as noted above, authorized Child Care hours must be based on verified information. The evidence in the record of this matter is that the respondent had verification that petitioner worked 19.5 hours per week. I note to the petitioner that it is extremely important that, given her ever-fluctuating schedule, she maintain regular communication with the respondent to report her work hours. Child Care authorizations are not an exact science, and as such, the petitioner will need to provide regular updates in order that the system may more accurately meet her needs.

CONCLUSION OF LAW

For the reasons discussed above, petitioner's Child Care hours were correctly reduced to 23 hours per week based upon verification provided by petitioner's employer.

NOW, THEREFORE, it is ORDERED

That the matter herein be and 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 27th day of January, 2014

\sPeter McCombs
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 January 27, 2014.

Wood County Human Services - WI Rapids
Child Care Benefits