



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

CCB/153633

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**PRELIMINARY RECITALS**

Pursuant to a petition filed November 22, 2013, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Waukesha County Health and Human Services in regard to Child Care, a hearing was held on December 19, 2013, at Waukesha, Wisconsin.

The issue for determination is whether Waukesha County Health and Human Service correctly denied payment of childcare serves for the weeks ending October 11, 2013 and October 18, 2013.

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: Lynnae Boyenga, Fraud Investigator  
Waukesha County Health and Human Services  
514 Riverview Avenue  
Waukesha, WI 53188

**ADMINISTRATIVE LAW JUDGE:**

Mayumi M. Ishii  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Waukesha County.
2. On September 30, 2013, the Waukesha County Health and Human Services Department (the agency) issued a notice to the Petitioner indicating that his childcare authorization would be ending October 5, 2013. (Exhibit 4)

3. The Petitioner continued to take his children to day care through Friday, October 18, 2013. (Testimony of Petitioner)
4. On October 18, 2013, the agency sent Petitioner a notice indicating that his child care eligibility would be ending October 31, 2013. (Exhibit 3)
5. Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on November 22, 2013. (Exhibit 1)

### DISCUSSION

The Petitioner filed an appeal, because he feels the agency should pay for child care for the weeks ending Friday, October 11, 2013 and Friday, October 18, 2013. The Petitioner testified that he did not know that he no longer had childcare benefits and was confused by the notices he received.

The notice dated September 30, 2013 indicated that the Petitioner's child care authorizations were ending October 5, 2013 and that there were no new authorizations. The notice further stated that Mr. Hole should, "contact your worker if you need a new authorization." (Exhibit 4)

Authorization means the number of hours for which a child care provider will be paid and the rate at which the childcare provider will be paid. *See* Wis. Stats. §59.155(6g)(a)1. and Wis. Admin. Code §DCF201.04(2g). The county agency does have the discretion to limit or refuse authorizations for a particular provider, if the provider will be in violation of the "40% rule, if the provider will exceed its certified capacity, **employment has not been verified**, the provider refuses to provide documentation or attendance reports are over three months old. *See* Wis. Stats. §59.155(6g)(a)1., Wis. Admin. Code §DCF201.04(2g) and *Wisconsin Share Child Care Assistance Manual* §2.1.2.1

Thus, authorization is NOT the same as eligibility.

There is no indication in the record that the Petitioner requested authorization for childcare after being advised that the current authorization was ending October 5, 2013, even though the notice instructed him to do so. As such, Petitioner should not have continued to use the childcare after October 5, 2013 and the agency should not be obligated to pay for childcare used after the authorization ended on October 5, 2013.

### CONCLUSIONS OF LAW

Waukesha County Health and Human Service correctly denied payment of childcare serves for the weeks ending October 11, 2013 and October 18, 2013.

**THEREFORE, it is**

**ORDERED**

That the petition is 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 Milwaukee,  
Wisconsin, this 6th day of March, 2014

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\sMayumi M. Ishii  
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](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on March 6, 2014.

Waukesha County Health and Human Services  
Child Care Benefits