



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CTS/154862

PRELIMINARY RECITALS

Pursuant to a petition filed January 17, 2014, under Wis. Stat. § 227.42, to review a decision by the La Crosse County Department of Human Services in regard to Medical Assistance, a telephone hearing was held on February 18, 2014.

The issue for determination is whether the respondent correctly denied Caretake Supplement benefits to petitioner.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Tom Miller

La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of La Crosse County.
2. Petitioner resides with her two minor grandchildren.

3. Petitioner applied for Caretaker Supplement benefits on August 28, 2013. Those benefits were denied on September 13, 2013, and petitioner received notice of this. The denial notice specified that petitioner is not eligible as she is not the parent of the children in the household. Exhibit 2.
4. Respondent sent a January 6, 2014, notice to petitioner subsequent to a review of petitioner's benefits. While petitioner had not reapplied, the notice again denied petitioner's Caretaker Supplement eligibility due to the fact that petitioner not the parent of the children in the household. Exhibit 2.
5. Petitioner timely filed an appeal January 17, 2014.

DISCUSSION

The Caretaker Supplement (CTS) is a cash benefit program. The program's benefit recipients are low-income parents who receive Supplemental Security Income (SSI) payments. These SSI parents receive CTS benefits for each of their eligible children.

To be eligible for the CTS payments the following criteria must be met: **(1)** the custodial parent caretaker must be an SSI recipient, or if both parents are in the home, both parents must receive SSI; **(2)** the child or children must meet the financial and non-financial criteria; and **(3)** the child or children must not receive SSI payments themselves. Wis. Stat., §49.775(2).

A custodial parent is a parent who resides with and has legal custody of a child. Wis. Stat. § 49.775(1)(b), citing § 49.141(1)(c). A dependent child is someone under 18 who resides with a parent. (Eighteen-year-old persons residing with a parent are considered dependent children if they attend high school or vocation school fulltime and are expected to graduate before turning 19.) Petitioner argues that a grandparent is, by definition a "parent." However, there can be no dispute that petitioner is not the parent of her grandchildren. Petitioner is the parent of her grandchildren's parent, and that makes her ineligible for CTS benefits here.

CONCLUSIONS OF LAW

The county correctly determined that petitioner is not eligible for CTS benefits due to the fact that she is not the parent of the children in the household.

THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or 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 filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 29th day of May, 2014.

\sPeter McCombs
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 May 29, 2014.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability