



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/155634

PRELIMINARY RECITALS

Pursuant to a petition filed February 21, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Marathon County Department of Social Services in regard to Child Care (CC), a hearing was held on March 25, 2014, at Wausau, Wisconsin.

The issue for determination has been resolved.

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: Rebecca Lang, child care worker
Marathon County Department of Social Services
400 E. Thomas Street
Wausau, WI 54403

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Marathon County.
2. The petitioner had an open CC case from at least October 2013 through the present time. She reported in October 2013 that she was beginning self-employment in that month. CC authorizations for 30 hours weekly were created from December 1, 2013 through January 19, 2014, to allow the petitioner to pursue her self-employment.

3. The petitioner made very little self-employment income. She therefore took a job at [REDACTED] for 20 hours weekly, beginning January 27, 2014. CC was authorized at the level of 25 hours weekly going forward.
4. On March 7, 2014, the agency issued a *CC Client Overpayment Notice* to the petitioner. It advised that she had been overpaid \$1,092.00 in CC for the December 1, 2013 through January 19, 2014 period (claim # [REDACTED]). The rationale for the overpayment was that the petitioner had not made enough self-employment income to qualify for any amount of CC benefit.
5. Post-hearing, the agency determined that: (1) it would pay CC benefits for 30 hours weekly for October and November 2013, and (2) the \$1,092 overpayment recovery for December 2013 and January 2014 would be dropped. *See*, Exhibit 5, fax of March 26, 2014.

DISCUSSION

At hearing, the petitioner clarified that she was no longer objecting to authorization for 25 hours of CC weekly for February 2014 onward. After listening to the petitioner's testimony, the agency requested an opportunity to further review the situation. After doing so, the agency faxed a letter to this Administrative Law Judge on March 26, 2014, advising that it had found the petitioner eligible for CC benefits at 30 hours weekly for October and November, 2013, and that CC payments would be made to the daycare provider accordingly. The agency also advised that it was dropping the overpayment recovery attempt for claim [REDACTED]. Thus, nothing remains for the Administrative Law Judge to resolve at this time.

CONCLUSIONS OF LAW

1. The agency stipulated to payment of CC benefits for the petitioner at 30 hours weekly for October and November 2013, so no issue remains regarding those months.
2. The agency stipulated to cessation of recovery attempts on claim [REDACTED] for December 2013 and January 2014.
3. The petitioner stipulated that she is not contesting the authorization of 25 hours weekly of CC for February 2014 onward.

THEREFORE, it is

ORDERED

That the petition is *remanded* to the county agency with instructions to cease collection efforts on claim # [REDACTED] within 10 days of the date of this Decision, if it has not already done so. In all other respects, the petition is 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 Children and Families, 201 East Washington Avenue, 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 28th day of March, 2014

\sNancy J. Gagnon
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 March 28, 2014.

Marathon County Department of Social Services
Child Care Benefits