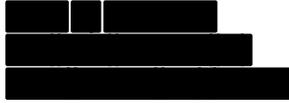




STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

CCB/155688

PRELIMINARY RECITALS

Pursuant to a petition filed February 24, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the La Crosse County Department of Human Services in regard to Child Care, a hearing was held on June 30, 2014, at La Crosse, Wisconsin.

The issue for determination is whether the agency erred in its termination of eligibility in the Child Care (CC) Program.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Children and Families
201 East Washington Avenue
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:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of La Crosse County.
2. Petitioner has a minor child and began receiving CC benefits in 2009.

3. On January 20, 2014 the agency sent a notice to petitioner informing her that her six-month report form (SMRF) would need to be completed and submitted by February 5, 2014 in order to continue benefits. The notice included the SMRF and mailing instruction as well as instructions on how to complete the form online.
4. On February 17, 2014 the agency sent notice to petitioner informing her that the SMRF had not been received and that CC would end effective February 28, 2014.
5. On February 24, 2014 petitioner filed a request for hearing.

### DISCUSSION

The Child Care Benefit under *Wis. Stats.* §49.155 is approved for individuals for a period of six months, *Day Care Manual*, Chapter 2, ¶3.0.0. At the end of the six-month authorization, the county agency reviews each recipient's eligibility. The procedure is similar to that used for benefit reviews under the FoodShare (FS) program, *see* 7 CFR §273.14. The county agency sends the recipient a reminder letter in the fourth month of the authorization period and then sends a Six-Month Review Form (SMRF) to the recipient in the following month. No new authorization period can begin without a determination that the applicant or recipient meets the financial and non-financial requirements for the Child Care program.

At hearing, petitioner explained that she spoke with a person at the agency about a separate overpayment claim. She also explained that she was concerned that some of her submitted forms would possibly not actually be received. She concedes that she was confused. I believe that she was confused but her reasoning as to why she ignored the January 20 notice to complete the SMRF does not make sense. She still should have completed the SMRF as it clearly stated that the SMRF was required if she wished to get CC benefits. The agency cannot grant benefits if the enrollee fails to meet this requirement.

### CONCLUSIONS OF LAW

The agency did not err in its termination of CC because petitioner failed to complete the SMRF in February 2014.

**THEREFORE, it is**

**ORDERED**

That this appeal 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 31st day of July, 2014

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\sJohn P. Tedesco  
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 July 31, 2014.

La Crosse County Department of Human Services  
Child Care Benefits