



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

CCO/155766

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**PRELIMINARY RECITALS**

Pursuant to a petition filed February 26, 2014, under Wis. Admin. Code § HA 3.03, to review a decision by the Wood County Human Services – Wis. Rapids in regard to Child Care (CC) benefits, a hearing was held on May 29, 2014, by telephone.

The issue for determination has been resolved.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Children and Families  
201 East Washington Avenue  
Madison, Wisconsin 53703

By: Mary Pat Altman, ES Supr.

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

**ADMINISTRATIVE LAW JUDGE:**

Nancy J. Gagnon  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Wood County.
2. The petitioner received CC benefits from at least September 20 through December 15, 2013. Those benefits totaled \$1,334.36. It is undisputed that the petitioner took her child to a daycare, and that CC benefits were issued on her behalf during this period.

3. The petitioner had employment at [REDACTED], which ended by September 20, 2013. Based on the evidence available to the agency in January 2014, it appeared that the petitioner did not begin new employment until December 16, 2013. The agency therefore concluded that the petitioner should not have received CC benefits for the 9/20/-13 – 12/15/13 period, during which she appeared to not be working.
4. On January 16, 2014, the agency issued a CC Client Overpayment Notice to the petitioner, advising of the \$1,334.36 overpayment for the September 20 through December 15, 2013 period.
5. Shortly before hearing, the petitioner provided the agency with paystubs from the second job – [REDACTED]. The petitioner is paid biweekly, and supplied a paystub dated October 1, 2013. The petitioner contends that there was no gap in employment as she transitioned from the old job to the [REDACTED] job. The agency had not had sufficient time as of the hearing date to review the paystubs and make revisions to its overpayment determination.

### DISCUSSION

At hearing, the agency requested additional time to review the newly discovered evidence, and revise (or eliminate) its overpayment determination. This is a reasonable request. At a minimum, the amount due on the existing claim # [REDACTED] will very likely be reduced. Thus, this Judge will direct the agency to void out the existing claim and make a new determination. A new overpayment notice shall be issued to the client if the agency determines that there is still an overpayment for this period.

### CONCLUSIONS OF LAW

1. Due to receipt of new evidence, the agency shall void out the existing claim and make a new determination. A new overpayment notice shall be issued to the client if the agency determines that there is still an overpayment for this period.

**THEREFORE, it is**

**ORDERED**

That the agency shall void out the existing claim and make a new determination, within 10 days of the date of this Decision. A new overpayment notice shall be issued to the client if the agency determines that there is still an overpayment for this period.

### **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 May, 2014

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\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 June 2, 2014.

Wood County Human Services - WI Rapids  
Public Assistance Collection Unit  
Child Care Fraud