



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

CCB/156514

PRELIMINARY RECITALS

Pursuant to a petition filed April 02, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Milwaukee Enrollment Services in regard to Child Care, a hearing was held on May 08, 2014, at Milwaukee, Wisconsin.

The record was held open to get a clearer copy of Petitioner's spouse's paystubs. The copies provided by Petitioner have been marked as Exhibit 3 and entered into the record.

The issue for determination is whether the agency correctly denied Petitioner's application for Child Care benefits.

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: Katherine May, HSPC, Sr.
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Milwaukee County.

2. On March 19, 2014, the Petitioner submitted an ACCESS application for Child Care benefits (Exhibit 2, pgs. 8-25)
3. Petitioner has a household of six people. (Exhibit 2, pg. 4)
4. The Petitioner provided the agency with two of her husband's bi-weekly paystubs from TWC Administrations dated March 13, 2014 and March 27, 2014. The check dated March 13, shows gross income of \$1391.81. The check dated March 27, shows gross income of \$1,710.48. So, monthly income from Petitioner's husband is as follows: $\$1391.81 + \$1710.48 = \$3102.29$. (Exhibit 2, pgs. 57 and 58; Exhibit 3)
5. On March 27, 2014, the Petitioner submitted a letter from her employer indicating that she works full time at \$11.50 per hour. (Exhibit 2, pg. 53)
6. The agency interpreted the letter to mean the Petitioner worked 40 hours per week and so calculated the Petitioner's income as follows: $40 \times \$11.50 \times 4 \text{ weeks} = \1840 monthly income. (Exhibit 1, pg. 1)
7. On March 28, 2014, the agency sent the Petitioner a notice indicating that her application for childcare benefits was denied because she was over the household income limit (Exhibit 2, pgs. 59-62)

DISCUSSION

I. JURISDICTION

All child care funding distribution falls under the aegis of the Wisconsin Works (W-2) program, regardless of whether or not the applicant is actually a participant in W-2 activities. Wis. Stat § 49.155(1). Prior to January 1, 2004, any parent desiring to contest child care assistance overpayments was required to request a fact-finding review from the issuing W-2 agency. Effective November 24, 2003, the Department of Workforce Development changed the process to provide recipients of such assistance a fair hearing from the Division of Hearings & Appeals. *Wisconsin Share Child Care Assistance Manual*, §2.1.5.3 See also, Wis. Stat §49.195(3), § 49.152(2), & § 227.42, *et. seq.*

II. INCOME LIMITS

In order for initial applicants to be eligible for Child Care benefits, household income must be below 185% of the Federal Poverty Limit (FPL). *Wisconsin Child Care Assistance Manual* §1.6.2 Income is evaluated on the basis of gross monthly income. *Id. at* §1.6.4

185% of FPL for a household of six is \$4928.71, rounded up to \$4929. A federal poverty limit chart can be found on-line at:

<http://www.dhs.wisconsin.gov/badgercareplus/fpl.htm>

Petitioner's gross monthly household income is as follows:

\$3102.29 from Petitioner's spouse
+\$1840.00 from Petitioner

\$4942.29 Total gross household income

Petitioner's household income of \$4942.29 was just over the 185% FPL, \$4929 income limit. As such, she was not eligible for childcare when she applied in March 2014.

If Petitioner's income has since gone down, she can reapply for benefits at any time.

CONCLUSIONS OF LAW

The agency correctly denied Petitioner's application for Child Care benefits.

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

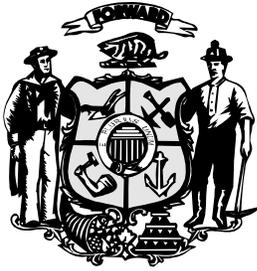
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

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 3rd day of July, 2014

\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
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on July 3, 2014.

Milwaukee Enrollment Services
Child Care Benefits