



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

CCB/156876

PRELIMINARY RECITALS

Pursuant to a petition filed April 15, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Ozaukee County Department of Social Services in regard to Child Care, a hearing was held on May 15, 2014, at Port Washington, Wisconsin.

The issue for determination is whether the Ozaukee County Department of Social Services (the agency) correctly denied the Petitioner's request for Child Care benefits for March 2014.

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: Pahoua Vang, Economic Support Specialist
Ozaukee County Department of Social Services
121 W. Main Street
PO Box 994
Port Washington, WI 53074-0994

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

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

2. The Petitioner called the Moraine Lakes Consortium on March 19, 2014 to apply for child care benefits. The Petitioner was advised that an interview could not be done at time and that the interview would need to be scheduled through Ozaukee County. (Exhibit 3)
3. On March 20, 2014, the agency sent the Petitioner a Notice of Action and Proof Needed advising the Petitioner that she needed to schedule an interview and sign her application by March 28, 2014 and that she needed to provide verification of her residence and employment by March 28, 2014. (Exhibit 2)
4. Also on March 20, 2014, the agency attempted to call the Petitioner concerning a child care interview, but received an outgoing message indicating the Petitioner's phone number was no longer in service. The phone number dialed was [REDACTED]. Consequently, the agency scheduled a face-to-face interview with the Petitioner. (Exhibit 3)
5. On March, 21, 2014, the agency sent the Petitioner a notice indicating that she had an interview scheduled for March 27, 2014 at 11:00 a.m. at the Ozaukee County DHS, 8885 Badger Cir., Grafton, WI 53024. The Petitioner was directed to contact the agency if she could not make the appointment. (Exhibit 2)
6. The Petitioner did not appear for the March 27, 2014 appointment. (Exhibit 3)
7. On March 28, 2014, the agency sent the Petitioner a notice indicating that she missed her appointment and that she had until April 18, 2014 to complete the appointment before her application would be denied. (Exhibit 2)
8. On March 31, 2014, the agency sent the Petitioner a letter indicating that her application for child care benefits was denied because she did not comply with the interview, nor did she sign the application. (Exhibit 2)
9. On April 1, 2014, the Petitioner telephoned the agency to inquire about her interview, because she thought it was a phone interview. A new appointment was scheduled for April 14, 2014. (Exhibit 3)
10. On April 4, 2014, the Petitioner went to the agency and signed her child care application. (Exhibit 3)
11. Petitioner completed her intake interview on April 14, 2014. (Exhibit 3)
12. Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on April 15, 2014. (Exhibit 1)
13. The Petitioner has since been approved for childcare benefits from April 1, 2014 forward. (Testimony of Ms. Vang, Economic Support Specialist)

### DISCUSSION

According to Section 1.3.1 of the Wisconsin Share Childcare Assistance Manual (CCM), a person may apply for childcare benefits by phone. However, the filing date of the application is the date the agency receives the signed application. *CCM §1.3.1*

If the applicant does not sign the application, "the filing date will be the date of the interactive interview." *Id.*

"Eligibility may be backdated only to the first of the month of the application filing date, unless the applicant requested an intake appointment and was given an appointment for the following month; in this situation, eligibility may be backdated to the first of the month that the agency received a signed request for child care assistance..." *CCM §1.3.6*

In the case at hand, the Petitioner did not sign the application for childcare benefits until April 4, 2014. As such, even though her interview was rescheduled for April 15, 2014, Petitioner's childcare benefits cannot begin any earlier than April 1, 2014.

**CONCLUSIONS OF LAW**

The agency correctly denied the Petitioner's request for childcare benefits for March 2014.

**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 28th 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](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on July 28, 2014.

Ozaukee County Department of Social Services  
Child Care Benefits