



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCO/157081

PRELIMINARY RECITALS

Pursuant to a petition filed April 21, 2014, under Wis. Admin. Code § HA 3.03, to review a decision by the Milwaukee Early Care Administration - MECA in regard to Child Care, a telephonic hearing was held on May 21, 2014, at Milwaukee, Wisconsin. At the request of petitioner, the record was held open for one week for petitioner to submit to Ms. Love verification of her employment during the period in question and then 10 days for the MECA to review the new evidence and issue a written response or new, revised notice regarding petitioner's child care overpayment. Milwaukee Early Care Administration County worker, Keisha Love, sent a May 30, 2014 letter to the Division of Hearings and Appeals (DHA) which is marked as Exhibit 4, and is received into the hearing record.

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: Keisha Love, child care specialist
Milwaukee Early Care Administration - MECA
Department of Children And Families
1220 W. Vliet St. 2nd Floor, 200 East
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County who received child care benefits for her one child.

2. The Department of Children and Families (DCF) sent a March 7, 2014 Child Care Overpayment notice Claim # [REDACTED] to the petitioner stating that she had received an overpayment of child care benefits for her child during the period of May 12, 2013 to August 31, 2013 in the amount of \$1,688.08, due allegedly to client error (not participating in approved child care activities or employment). See Exhibit 1.
3. After the May 21, 2014 hearing, the record was held open for petitioner to submit to Ms. Love verification of petitioner's employment during the child care overpayment period in question, and then 10 days for MECA to review the new evidence and issue a written response or new, revised notice regarding petitioner's child care overpayment. Milwaukee Early Care Administration County worker, Keisha Love, sent a May 30, 2014 letter to the Division of Hearings and Appeals (DHA) which is marked as Exhibit 4, and is received into the hearing record. See above Preliminary Recitals.
4. In her May 30, 2014 DCF cover letter, Ms. Keisha Love stated: "Customer provided checks to the agency verifying she was employed during overpayment periods. Agency has adjusted the overpayment to \$0.00. Customer was mailed new overpayment notice on 5/28/2014." In that May 30, 2014 revised child care overpayment notice to petitioner, the notice confirmed that petitioner's child care overpayment has been reversed (reduced to zero). See Exhibit 4.

THEREFORE, it is

ORDERED

The matter is remanded to the Department of Children and Families with instructions to take the necessary administrative action to cancel and remove the child care overpayment action against the petitioner indicated in the March 7, 2014 Child Care Overpayment notice Claim # [REDACTED], within 10 days of the date of this Decision.

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 2nd day of June, 2014.

\sGary M. Wolkstein
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on June 2, 2014.

Milwaukee Early Care Administration - MECA
Public Assistance Collection Unit
Child Care Fraud