



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/157399

PRELIMINARY RECITALS

Pursuant to a petition filed May 01, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the St. Croix County Department of Human Services in regard to Child Care, a hearing was held on June 12, 2014, at New Richmond, Wisconsin.

The issue for determination is whether the petitioner is entitled to child care benefits.

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: Cheryl Odle

St. Croix County Department of Human Services
1445 N. Fourth Street
New Richmond, WI 54017-1063

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien

Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of St. Croix County.
2. The agency has approved child care benefits for all months sought by the petitioner.

DISCUSSION

The Wisconsin Shares Child Care program provides Child Care assistance to W-2 participants who participate in approved activities. This category includes caretaker relatives who are legitimately self-employed. Wis. Stat. § 49.155(1m)(a); *Day Care Manual*, §§ 1.1.1. and 1.5.3. The petitioner receives these benefits but indicates that his provider has not been paid for March 2014. The county agency indicated that benefits were approved for this month but that the provider has not submitted a statement. I am going to dismiss this matter. If the provider submits a statement and still is not paid an amount he or she considers proper, the petitioner may file a new appeal. In making this decision, I am aware that at the hearing I indicated that I would remand this to the agency to pay if the provider submitted a bill. I am concerned that this could lead to problems if there is still a dispute over the amount of the bill. In the unlikely event that another appeal is filed concerning the March 2014 benefits, I will assume that the petitioner was eligible for those benefits and that the only dispute is over the amount the provider is entitled to for reimbursement.

CONCLUSIONS OF LAW

1. The petitioner is entitled to child care benefits for March 2014.
2. The petitioner's provider is entitled to reimbursement for child care provided on behalf of the petitioner if it submits a proper billing statement.

THEREFORE, it is

ORDERED

The petitioner's appeal is dismissed. Nothing in this dismissal prevents the petitioner from filing a new appeal if the petitioner disputes the amount of compensation his provider receives.

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 13th day of June, 2014

\sMichael D. O'Brien
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 13, 2014.

St. Croix County Department of Human Services
Child Care Benefits