



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

CCB/157607

PRELIMINARY RECITALS

Pursuant to a petition filed May 12, 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 county agency correctly included the petitioner's parents in her assistance group when determining whether she was financially eligible 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: 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 petitioner is a 17-year-old high school student who lives with her parents.
3. The petitioner applied for child care benefits on March 27, 2014.

4. The income of the petitioner's parents exceeds 185% of the federal poverty level for a household of their size.

DISCUSSION

Child care benefits are provided to W-2 participants who are working in unsubsidized employment, in job training, in a job search under the FoodShare program, or in an approved technical school program. (Benefits are also allowed to those in high school or under 20 years old, but the petitioner is older than that.) Wis. Stat. § 49.155(1m)(a). The income limit for new applicants is 185% of the federal poverty level and 200% of federal poverty level "for an individual who is already receiving a child care subsidy." Wis. Stat. § 49.155(1m)(c)1. The income includes all of the income of the applicant's "family." *Id.* According to the *Child Care Handbook*, § 1.3.9., an child care assistance group includes parents over 18 and their dependent children.

The petitioner is a 17-year-old high school student who lives with her parents. She seeks child care benefits for her own child. The county agency denied her request because, after counting her parents' income, her household income exceeds 185% of the federal poverty level. She does not dispute that her parents' income exceeds this level, but she does not believe it should be counted when determining her benefits. While I respect her opinion, I must follow the law as it is written. The law clearly requires that her parents' income be counted when determining her benefits. Because that income puts her over the program's limit, the county agency correctly determined that she was ineligible for child care benefits.

CONCLUSIONS OF LAW

1. The county agency properly included the petitioner's parents in her assistance group because she is a dependent child.
2. The petitioner is ineligible for child care benefits because her household income exceeds 185% of the federal poverty level.

THEREFORE, it is

ORDERED

The petitioner's appeal is dismissed.

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 28th day of July, 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 July 28, 2014.

St. Croix County Department of Human Services
Child Care Benefits