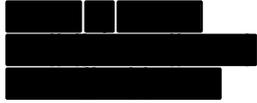




STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

CCB/159569

PRELIMINARY RECITALS

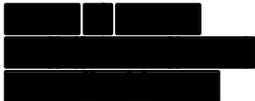
Pursuant to a petition filed July 31, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the La Crosse County Department of Human Services in regard to Child Care, a telephonic hearing was held on September 23, 2014, at Neillsville, Wisconsin.

The issue for determination is the county agency correctly denied the petitioner's May 12, 2014 child care application for the months of May and June, 2014, due to failure to timely sign and return her required signature page to the county agency.

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: Tom Miller, ES Supervisor

La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Clark County who resides with her husband, her children, and one Kinship Care child, NB. See Exhibit 3.
2. On May 12, 2014, the petitioner applied for Kinship Care Child Care (CC) for her niece, NB.

3. The petitioner participated in a child care application interview on May 23, 2014. See Exhibit 2.
4. The county agency sent a May 23, 2014 letter to the petitioner stating that she would receive a separate mailing with a case summary, and that she was required to return the signature page before her child care assistance could be approved.
5. The county agency sent May 27, 2014 and May 28, 2014 Requests for Verification requiring the petitioner to provide financial and non-financial information (including for her to sign her child care application) and return that signature page and other information to the county agency by June 11, 2014. See Exhibit 5.
6. The petitioner failed to submit her signature page to the county agency by June 11, 2014.
7. The county agency sent a June 12, 2014 Notice of Decision to the petitioner stating that her May, 2014 child care application for NB was denied as of May 1, 2014, due to failure to timely sign and return to the county agency the signature page to her child care application. See Exhibit 1.
8. On or about July 18, 2014, petitioner submitted a re-application for child care benefits including the required signature page.
9. The county agency approved petitioner's child care re-application for NB as of July 1, 2014.

DISCUSSION

Wis. Stat., §49.155 authorizes the department to operate a child care subsidy for Wisconsin Works (W-2) recipients and working parents. The department has a Child Day Care Manual that provides the specific policies for the program. Eligibility for child care runs for six month periods. Manual, Chapter 1, §1.15.3.

The Wisconsin Child Day Care Manual provides that the county agency can request any information that is necessary and appropriate in order to make a correct eligibility decision. *Child Care Manual 1.71*. As the applicant, petitioner had the primary responsibility for providing verification. *Child Care Manual 1.7.3*. The county agency must inform the applicant in writing of the verification items that are needed along with a due date. Child Care Manual 1.7.4. **If the applicant fails to produce the information, no eligibility shall exist.** Child Care Manual 1.7.7. **Rather, the application may be denied or the case may be closed.** Child Care Manual 1.7.7.

During the September 23, 2014 hearing, the county representative provided reliable documentation that the verification requests and negative notice were sent to the petitioner at her correct address of record. Those notices stated the reason for the denial of petitioner's child care application due to failure to timely sign and send her signature page to the county agency. The petitioner was unable to refute the county's case with any reliable testimony or evidence. It was the petitioner's responsibility in her child care application process to provide all required information so that child care eligibility could be accurately determined by the county agency.

As indicated above, child care applicants are required to timely verify all necessary information to order to determine the petitioner's child care eligibility and possible hours of child care authorization. The petitioner did not submit all required verification and signature page to the county agency until during her July, 2014 re-application for child care. The petitioner requested backdating from July 1, 2014 to May 1, 2014. However, the county agency representative stated correctly that child care policy establishes that **child care eligibility is only backdated to the first of the month in which all verifications are received.** Child Care Manual 1.3.4.

The Child Care Manual provides:

Upon completion of the interactive interview, a new Application Summary must be generated on the date of the interview, printed, and **signed by the applicant**, however, if the interview is done by phone do not indicate in a CWW that the signature has been obtained, instead indicate that the signature is pending.

(Emphasis added).

Child Care Manual, 1.3.2.

During the hearing, petitioner did not dispute that she did not return her required signature page to the county agency by June 11, 2014, as required by the Child Care Manual, 1.3.2. However, petitioner contended there was an error in her application, and thus she did not want to sign the application until it was corrected. However, after receiving the several notices of the required signature page, petitioner could have signed the application by the June 11, 2014 deadline, and indicated on that application any alleged error. Petitioner requested backdating of the child care benefits prior to July 1, 2014. However, child care can not be approved until all requirements of the application process are met per Child Care Manual 1.3.4. Petitioner failed to meet all child care requirements until July, 2014. Accordingly, based upon the above, I must conclude that the county agency correctly denied the petitioner's May 12, 2014 child care application for the months of May and June, 2014, due to failure to timely sign and return her required signature page to the county agency.

CONCLUSIONS OF LAW

The county agency correctly denied the petitioner's May 12, 2014 child care application for the months of May and June, 2014, due to failure to timely sign and return her required signature page to the county agency, as required by the Child Care Manual, 1.3.2.

THEREFORE, it is

ORDERED

The petition for review herein be and the same is hereby 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 November, 2014

\sGary M. Wolkstein
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 November 28, 2014.

La Crosse County Department of Human Services
Child Care Benefits