



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

CCB/159783

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 12, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Barron County Department of Human Services in regard to Child Care, a hearing was held on September 23, 2014, at Barron, Wisconsin.

The issue for determination is whether the petitioner can receive Child Care benefits earlier than the month in which she submitted a written application.

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: Candi Gillette

Barron County Department of Human Services  
Courthouse Room 338  
330 E Lasalle Ave  
Barron, WI 54812

**ADMINISTRATIVE LAW JUDGE:**

Michael D. O'Brien  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [REDACTED]) is a resident of Barron County.
2. The petitioner submitted a written application for Child Care benefits on July 28, 2014.

3. The county agency found the petitioner eligible for Child Care benefits on July 1, 2014. She seeks benefits retroactive to June 1, 2014.

### DISCUSSION

Those seeking subsidized child care under the Wisconsin Shares Child Care program usually cannot receive benefits before the first day of the month in which they applied. Benefits can begin before then only if the applicant was given an intake appointment the month after requesting one. In this situation, benefits can begin in the month the agency “received a signed request for child care assistance.” *Day Care Manual*. § 1.3.6.; Wis. Stat. § 49.155 . The petitioner seeks benefits retroactive to June 1, 2014, but the agency granted them as of July 1, 2014, because she did not submit a written application until July 28, 2014.

She contends that she requested the benefits over the telephone on June 4, 2014. The agency worker testified that its notes indicate that the petitioner renewed her medical assistance and FoodShare benefits over the telephone on that date but did not request child care. The petitioner sounded credible, but her eligibility depends upon the month she submitted a “signed” request. This is a practical rule that prevents indeterminable arguments over when a benefit has been requested. She applied in July 2014 and correctly received benefits as of the first day of that month.

### CONCLUSIONS OF LAW

The county agency correctly determined that the petitioner could not receive Child Care benefits earlier than the first day of the month in which she applied.

**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 14th day of October, 2014

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\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 October 14, 2014.

Barron County Department of Human Services  
Child Care Benefits