



FH
[REDACTED]

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

In the Matter of:

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/159888

PRELIMINARY RECITALS

Pursuant to a petition filed August 13, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Calumet County Department of Human Services ["County"] in regard to Child Care ["CC"], a Hearing was held via telephone on October 14, 2014.

The issue for determination is whether petitioner's CC authorization can be changed from attendance based to enrollment based.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Children and Families
201 East Washington Avenue
Madison, Wisconsin 53703

By: Jennifer Schmidlkofer, ESS
Calumet County Department of Human Services
206 Court Street
Chilton, WI 53014-1198

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Calumet County, Wisconsin.

2. Petitioner is a recipient of CC benefits for child care for her 4 year old child.
3. Petitioner has placement of her child every other Monday and every Tuesday and Thursday.
4. Petitioner's work schedule is every Monday (10 to 5), every Tuesday (10 to 7), and every Thursday (10 to 7).
5. Petitioner is authorized for 26 hours per week of CC; it is an attendance based authorization.
6. Petitioner requested that her authorization be changed from attendance based to enrollment based; that request was denied.

DISCUSSION

Attendance based authorizations reimburse the child care provider on an hourly basis for only the hours of the child's actual attendance in a given week, up to the maximum number of hours authorized by the child care administrative agency. *Child Care Assistance Manual* (December 2013) ["CC Manual"] 3.6.7. **Enrollment** based authorizations reimburse the child care provider for a set amount for a block of hours per week as long as the child attends for at least one hour per week. CC Manual 3.6.9.

In this case petitioner is requesting that her authorization be changed from attendance based to enrollment based because, in order to hold open a Monday spot for her child at the daycare, she currently pay out-of-pocket for the Mondays when she does not have placement of her child (she must also pay for holidays when school is not in session).

All CC authorizations must be attendance based with only the following exceptions: special needs children whose care meets certain requirements; and, group child care providers (unless the child's schedule is expected to vary widely OR unless the agency has documented 3 separate occasions where the provider significantly over-reported attendance). CC Manual 3.6.7, 3.6.8 & 3.6.10. There is no evidence in the record of this matter that petitioner fits either of these 2 exceptions. Therefore, her CC authorizations must be attendance based (not enrollment based).

CONCLUSIONS OF LAW

For the reasons discussed above, petitioner's CC authorization can not be changed from attendance based to enrolment based.

NOW, THEREFORE, it is

ORDERED

That 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 13th day of November, 2014

\sSean P. Maloney
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 13, 2014.

Calumet County Department of Human Services
Child Care Benefits