



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted case name]

DECISION

CCB/159966

PRELIMINARY RECITALS

Pursuant to a petition filed August 19, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Eau Claire County Department of Human Services in regard to Child Care, a hearing was held on October 21, 2014, at Eau Claire, Wisconsin.

The issue for determination is whether the petitioner is entitled to child care benefits as of June 9, 2014.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted petitioner name]

Respondent:

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

By: Mary Myers
Eau Claire County Department of Human Services
721 Oxford Avenue
PO Box 840
Eau Claire, WI 54702-0840

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. The petitioner (CARES # [Redacted]) is a resident of Eau Claire County.
2. The petitioner applied for child care benefits on July 15, 2014. The county agency approved benefits retroactive to June 29, 2014. She seeks benefits retroactive to June 9, 2014.

DISCUSSION

The petitioner began working on June 9, 2014. At that time she was receiving various forms of public assistance, but not child care assistance, which had ended in August 2013. She brought her employer verification to the county agency on June 13, 2014, and assumed that this would be sufficient to have her child care benefits reinstated. On July 10, 2014, she called the agency to ask the status of her child care benefits. She was told that she had not applied and would have to do so before she could receive any benefits. She applied on July 15, 2014. Child care policy states: "At initial eligibility, an authorization may be backdated only to the first of the month of the current eligibility period, or to the Sunday that is six days prior to the first of the eligibility month." *Child Care Assistance Manual*, Chapter 3, § 3.6.24. The county agency found her eligible as of Sunday, June 29, 2014. She seeks benefits retroactive to June 9, when she began working.

An applicant can seek benefits through a telephone call, an in-person interview, or an online application. The application date for a telephone call or an in-person interview is the date the person actually submits a signed application. For an online application it is the date that application is submitted. *Id.*, Chapter 1, § 1.3.1. The petitioner admits that she misunderstood the application process. I understand how this happened because public assistance rules are complicated—even for those who deal with them constantly. Still, I have no equitable powers that would allow me to consider the fairness of the situation and must follow those rules as they are written. The petitioner did not submit a written application until July 15, 2014. Under the rules, she could not receive benefits until July 1 or a Sunday in June within six days of July 1, which is when the agency correctly determined her eligibility began. Therefore, I must uphold its decision.

CONCLUSIONS OF LAW

The county agency correctly determined that the petitioner was not eligible for child care assistance until the Sunday that fell within six days before the month 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 3rd day of December, 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 December 3, 2014.

Eau Claire County Department of Human Services
Child Care Benefits