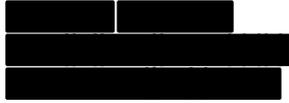




STATE OF WISCONSIN  
Division of Hearings and Appeals

In the Matter of:



DECISION

CCB/160016

**PRELIMINARY RECITALS**

Pursuant to a petition filed August 21, 2014, under Wis. Admin. Code § HA 3.03(4), to review a decision by the Milwaukee Enrollment Services [“MiLES”] in regard to Child Care [“CC”], a Hearing was held via telephone on October 16, 2014. At petitioner’s request a Hearing scheduled for September 18, 2014 was rescheduled.

The issue for determination is whether petitioner can be granted backdated CC benefits for June 2014 and July 2014.

There appeared at that time via telephone the following persons:

**PARTIES IN INTEREST:**

Petitioner:



Respondent:

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

By: Theresa Miles, Child Care Subsidy Specialist  
Milwaukee Enrollment Services  
1220 W Vliet St, Room 106  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Sean P. Maloney  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # ) is a resident of Milwaukee County, Wisconsin.

2. Petitioner is a recipient of CC benefits for child care for her children.
3. On June 16, 2014 petitioner reported to MiLES that her work hours decreased; this resulted in a decrease in her CC authorization.
4. During June 2014 and July 2014 petitioner's work hours increased; petitioner did not report this increase to MiLES until August 21, 2014.
5. Petitioner is requesting that she be granted backdated CC benefits for June 2014 and July 2014 due to her increased work hours.

### DISCUSSION

Parents or other persons receiving CC must report any changes in circumstances that may affect his or her eligibility to the child care administrative agency within 10 days of the change. *Child Care Assistance Manual* (December 2013) ["CC Manual"] 1.15.1. A change in the scheduled of approved activity hours (such as work hours) is required to be reported. CC Manual 1.15.2. CC administrative agencies must re-determine parent need for service and eligibility within 10 business days following receipt of a parent's report of a change in circumstances that may affect their eligibility, and at least every six months. CC Manual 1.15.3.

In this case petitioner did not report her change until August 21, 2014. MiLES is only required to redetermine eligibility within 10 business days following that date -- not retroactively. Therefore, petitioner can not be granted backdated CC benefits for June 2014 and July 2014.

Petitioner testified that she gave her husband all the information, trusted her husband, and did not know that her husband failed to report the change until the end of the summer when the child care said it was not paid. This is unfortunate, but does not change the rules as detailed above.

### CONCLUSIONS OF LAW

For the reasons discussed above, petitioner can not be granted backdated CC benefits for June 2014 and July 2014.

**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 24th day of October, 2014

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\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 October 24, 2014.

Milwaukee Enrollment Services  
Child Care Benefits