



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redact

DECISION

CCB/160117

PRELIMINARY RECITALS

Pursuant to a petition filed August 25, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Milwaukee Enrollment Services in regard to Child Care (CC) benefits, a hearing was held on September 17, 2014, at Milwaukee, Wisconsin. The hearing record was held open for 10 days for a submission from the petitioner, which was received.

The issue for determination is whether the agency correctly commenced the petitioner's CC benefits in August 2014, rather than July 2014.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

Redact

Respondent:

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

By: Jose Silvestre Jr., IM Spec. Advanced
Milwaukee Enrollment Services
1220 W. Vliet St., Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # Redact) is a resident of Milwaukee County.

2. The petitioner has a household of two persons, herself and her minor son. She commenced a CC application on August 7, 2014. *See*, Exhibits 1, 3. On August 13, a notice was issued advising that the household was eligible for CC benefits beginning August 1, 2014. *See*, Exhibit 2.
3. The petitioner apparently returned to work in July 2014, which caused her to need child care at that time.
4. The petitioner made numerous contacts to the Department's local income maintenance agency from August 7 – 25, 2014, regarding her CC application. Her recorded contacts with the local income maintenance agency from June 12, 2014 through the entire month of July 2014 (*i.e.*, 6/12, 7/22 and 7/24) deal only with her FoodShare benefits. *See*, Exhibit 1, Case Comments.
5. The petitioner asserted that a W2 agency worker told her in July 2014 that said worker gave her a CC application and told the petitioner to return it to the W2 office. There is no record of (1) this conversation at the W2 agency, or (2) a CC application being filed at the W2 office or any Department/income maintenance office prior to August 7, 2014. *See*, Exhibit 6, filed by the petitioner post-hearing. The petitioner does not assert that she filed an online ACCESS application for CC (an ACCESS application will always have an electronic date-stamp, and is archived in the Department's database).

DISCUSSION

Wis. Stat § 49.155 authorizes the department to operate a child care subsidy program for Wisconsin Works (W-2) recipients and working parents. *See also*, *W-2 Manual*, 15.2.0. The department has a *Child Care Policy Manual (Manual)* that provides the specific policies for the program. The *Manual* may be viewed on line at <http://dcf.wisconsin.gov/childcare/wishares/manual.htm> .

The child care subsidy program's (CC) authorizing statute contains financial and nonfinancial eligibility criteria. If applicant parents do not meet the nonfinancial and financial eligibility criteria, then CC cannot be granted.

The county agency declined to open the petitioner's CC case before August 1, 2014, because CC eligibility can only go back to the first of month, in the month in which the application is filed or the application interview is conducted. The pertinent *Manual* language reads as follows:

1.3.1 Request for Assistance (RFA)

...

There are three ways for applicants to begin the process of applying for child care assistance:

An applicant may call a local IM Agency.

On the date the applicant phones the agency the local income maintenance agency must complete a. or b. below:

- a. Complete Client Registration in CARES Worker Web (CWW) and generate the Request for Assistance (RFA) for signature and mail it to the applicant or leave it at the front desk for the applicant to sign. Alternatively, the agency may mail form DCF-F- 2835 to the applicant to complete, sign and return, or leave it at the front desk for the applicant to sign.
- i. The filing date is the date the agency receives the signed form, not the applicant signature date.

...

Apply in person at a local IM Agency.

When an individual applies in person the local agency may:

- a. Begin the intake process through an interactive interview, complete the Client Registration pages and continues in CWW to complete the Intake Interview, generate the Application Summary Page and collect the Application Summary signature;

...

Apply online through ACCESS.

ACCESS applications for child care will be routed to the county of residence and must be processed at the county of residence. ... Applicants may return their signed Application Summary to the agency in person, through a FAX process, or via the mail.

...

1.3.6 Eligibility Determination

Once the verification has been determined to be complete, the agency has seven (7) business days to determine eligibility. Eligibility may be backdated only to the first of the month of the *application filing date*, unless the applicant requested an intake appointment and was given an appointment for the following month; in this situation eligibility may be backdated to the first of the month that the agency received a signed request for child care assistance.

(emphasis added)

Id. , Ch. 1, §§ 1.3.1, 1.3.6. There are no administrative code provisions in place to conflict with this eligibility date policy.

Based on the above, I conclude that the agency’s decision not to backdate eligibility before August 1, 2014, was correct.

CONCLUSIONS OF LAW

1. The county agency correctly declined to backdate the petitioner’s CC eligibility prior to August 1, 2014, because the petitioner did not submit a request to the agency until August 2014.

THEREFORE, it is

ORDERED

That the petition 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 17th day of December, 2014

\sNancy J. Gagnon
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 17, 2014.

Milwaukee Enrollment Services
Child Care Benefits