



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

KIN/161617

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**PRELIMINARY RECITALS**

Pursuant to a petition filed October 28, 2014, under Wis. Stat. § 48.57(3m)(f), and Wis. Admin. Code § DCF 58.08(2)(b), to review a decision by the Kinship-DCF in regard to Kinship Care, a hearing was held on November 19, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether the agency met its burden to prove that the termination of kinship care payments was correct.

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: No Appearance, Kinship Care Worker  
Bureau of Milwaukee Child Welfare  
1555 Rivercenter Drive  
Milwaukee, WI 53212

**ADMINISTRATIVE LAW JUDGE:**

John P. Tedesco  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Milwaukee County.
2. On October 21, 2014, the agency sent notice to petitioner that it would be ceasing her KK payments.

3. Petitioner appealed.

### DISCUSSION

At the time of the hearing, no agency representative appeared at the hearing location. Furthermore, no documents were sent to DHA as evidence in advance of the hearing. This ALJ made multiple phone calls to St. A and no individual was available other than "██████" who was unable to provide any useful information regarding the whereabouts of relevant agency personnel. The agency was, thus, unable to meet its burden at the time of hearing.

The agency may issue a new notice of termination if it believes that can meet its burden at a subsequent hearing.

### CONCLUSIONS OF LAW

The agency failed to meet its burden at the time of hearing.

**THEREFORE, it is** **ORDERED**

That the matter is remanded to the agency with instruction to reverse the termination of KK and to pay any retroactive benefits due to petitioner. These actions must be completed within 10 days.

### **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 19th day of  
November, 2014

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\sJohn P. Tedesco  
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 19, 2014.

Kinship-DCF  
DCF - Kinship Care