



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
[Redacted]
Redact

DECISION

CCB/161953

PRELIMINARY RECITALS

Pursuant to a petition filed November 12, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Dunn County Department of Human Services in regard to Child Care, a hearing was held on January 13, 2015, at Menomonie, Wisconsin.

The issue for determination is whether the county agency correctly determined the number of child care hours the petitioner was entitled to for her children.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
[Redacted]
Redact

Respondent:

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

By: [Redacted]

Dunn County Department of Human Services
808 Main Street
PO Box 470
Menomonie, WI 54751

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. The petitioner (CARES # [Redacted]) is a resident of Dunn County.
2. The petitioner works at home from 10:00 a.m. until 4:00 p.m. on Sunday, Monday, Wednesday Thursday, and Friday.

3. The daycare the petitioner uses is not open on Sundays.
4. The petitioner has three children, P. (age 1), S.(age 3), and L (age 7).
5. P. has been authorized for daycare from 10:00 a.m. through 4:00 p.m. plus one hour of travel each day on Monday, Wednesday, Thursday, and Friday. Her total authorized hours are 28 per week.
6. S. attends Redact on Monday, Tuesday, and Thursday. To do this, she leaves the daycare at 11:30 a.m. and returns at 3:30 p.m. She has been authorized for daycare on Monday and Thursday from 9:15 to 11:30 a.m. and from 3:30 to 4:45 p.m. and on Wednesday and Friday from 10:00 a.m. until 4:00 p.m. She was also authorized for 1 ½ hours of travel each day. His total authorized hours are 22 per week.
7. L. attends school full time. He arrives at the daycare between 3:10 and 4:00 p.m. He has been authorized for childcare from 3:00 until 4:45 p.m. on Monday, Wednesday, Thursday, and Friday, which includes 45 minutes of travel time. His total authorized hours are seven per week.
8. The county agency has authorized additional daycare hours for P. and S. when school is not in session.

### DISCUSSION

Child Care Benefits are provided to W-2 participants who are working in unsubsidized employment, in job training, in a job search under the FoodShare program, or in an approved technical school program. (Benefits are also allowed to those in high school or under 20 years old, but the petitioner is older than that.) Wis. Stat. § 49.155(1m)(a). Eligible persons receive enough hours of care each week to cover their work schedule and travel time to and from the daycare. *Child Care Manual*, § 3.6.14. At the hearing, the worker went through the hours of care awarded to the petitioner. Those hours are described in the findings of fact. The petitioner could not point out any error in these hours. She has the burden of proving by the preponderance of the credible evidence that the agency incorrectly determined the amount of care she is entitled to. Because she could not point to any errors by the agency, I must uphold its decision.

### CONCLUSIONS OF LAW

The county agency correctly determined the amount of childcare assistance the petitioner is entitled to for her three children.

**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 13th day of February, 2015

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\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 February 13, 2015.

Dunn County Department of Human Services  
Child Care Benefits