



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

CTS/ [Redacted]

PRELIMINARY RECITALS

Pursuant to a petition filed December 23, 2014, under Wis. Stat. § 227.42, to review a decision by the [Redacted] County Department of Human Services in regard to Medical Assistance, a hearing was held on February 18, 2015, at Menomonie, Wisconsin.

The issue for determination is whether the county agency correctly seeks to end the petitioner's caretaker supplement because her daughter is 18 years old and will turn 19 before she graduates from high school.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Paula Goodell

[Redacted] 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 [Redacted] County.
2. The petitioner's daughter is 18 years old.
3. The petitioner's daughter will not graduate from high school before she is 19 years old.

## DISCUSSION

Wisconsin implemented the Caretaker Supplement program to help SSI recipients with the financial burden of raising their children after Wisconsin Works (W2) ended AFDC payments in 1998. Wis. Stat. § 49.775. Persons on SSI could not participate in W2 because it is a work program and those on SSI, by definition, cannot work. The Caretaker Supplement program pays \$250 per month to a “custodial parent” for one “custodial” child and \$150 per month for each additional “custodial” child to parents who receive SSI. Wis. Stat. § 49.775(2) and (4)(a). The department seeks to end the petitioner’s supplement because her daughter is 18 years old and will not graduate from high school before she turns 19.

The Caretaker program used the definition of *dependent child* found in Wis. Stat. § 49.141(1)(c). See 49.775(1)(b). Section 49.141(1)(c) states: “ ‘Dependent child’ means a person who resides with a parent and who is under the age of 18 or, if the person is a full-time student at a secondary school or a vocational or technical equivalent and is reasonably expected to complete the program before attaining the age of 19, is under the age of 19.” The petitioner points out that her child is in special education and works hard. Unfortunately, the caretaker law does not provide an exception for those in her position. Because the petitioner’s daughter is neither under 18 nor expected to graduate before she turns 19, I must uphold the agency’s decision.

## CONCLUSIONS OF LAW

The department correctly seeks to end the petitioner’s caretaker supplement payment because her dependent child is 18 years old and not expected to graduate from high school before she turns 19 years old.

**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 Health Services, 1 West Wilson Street, Room 651, 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 5th day of March, 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 March 5, 2015.

Dunn County Department of Human Services  
Division of Health Care Access and Accountability