



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/163114

PRELIMINARY RECITALS

Pursuant to a petition filed January 07, 2015, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Barron County Department of Human Services in regard to Child Care, a hearing was held on February 18, 2015, at Barron, Wisconsin.

The issue for determination is whether the petitioner can receive child care benefits for more than six weeks while injured.

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: Sandy Nielson

Barron County Department of Human Services
Courthouse Room 338
330 E Lasalle Ave
Barron, WI 54812

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien

Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Barron County.
2. The petitioner has been unable to work since July 27, 2014, because she broke her ankle.
3. The petitioner received Child Care Benefits from July 27, 2014, through September 8, 2014.

4. The county agency notified the petitioner on November 24, 2014, that it was denying her request for Child Care Benefits because she had received benefits for six weeks while being unable to work because of an injury and had not returned to work since then.

DISCUSSION

Child Care Benefits are provided to W-2 participants involved in approved activities. Wis. Stat. § 49.155(1m)(a). Those out of work for medical reasons can receive benefits if they intend to return to work with the same employer. Benefits while out of work cannot last more than six weeks. *Child Care Manual*, § 3.11.2. A recipient who has received benefits for six weeks while out of work cannot get additional benefits while out of work unless she returns to work for at least one week in between the two periods. The petitioner has not been able to work since July 27, 2014, because she broke her ankle. She received Child Care Benefits from then through September 8, when her six-week period ended. She now requests additional benefits. The agency denied her request because she has not returned to work for at least one week. While I understand that this causes problems for her, I cannot ignore specific Child Care rules. Therefore, I must uphold the agency's decision.

CONCLUSIONS OF LAW

The petitioner is not entitled to child care assistance because she has already received six weeks of assistance while injured and has not been able to return to work for at least a week.

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 11th day of March, 2015

\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 11, 2015.

Barron County Department of Human Services
Child Care Benefits