



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

CCB/170752

PRELIMINARY RECITALS

Pursuant to a petition filed December 14, 2015, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Milwaukee Enrollment Services in regard to Child Care, a hearing was held on January 19, 2016, at Milwaukee, Wisconsin.

The issue for determination is whether the respondent correctly denied petitioner's Child Care benefits due to income exceeding program limits.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Children and Families
201 East Washington Avenue, Room G200
Madison, Wisconsin 53703

By: [Redacted]
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Peter McCombs (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Milwaukee County.
2. There are two persons in the petitioner's household.
3. The petitioner's gross monthly income at the time of the denial was \$2,670.62.

4. 185% of the federal poverty level for a two-person household is \$2,456. *FoodShare Wisconsin Handbook*, § 8.1.1.

### DISCUSSION

Child Care Benefits are provided to W-2 participants who are working in unsubsidized employment or some other approved activity. Wis. Stat. § 49.155(1m)(a). The income limit for new applicants is 185% of the federal poverty level and 200% of federal poverty level “for an individual who is already receiving a child care subsidy.” Wis. Stat. § 49.155(1m)(c)1. The county agency seeks to end the petitioner’s benefits because her income, as reported by her employer, is \$2,670.62, which exceeds \$2,456.00, 185% of the federal poverty level for a two-person household. (Different handbooks have slightly different figures for the federal poverty level. The county agency set 185% of that level at \$1 less than the figure I used. I do not know what source the agency used, but it does not affect the outcome of the case.)

The petitioner’s income also exceeded the 200% limit of \$2,656.00. The petitioner concedes all of this, but argues that her income has been reduced due to recent cuts to hours enacted by her employer. While her income may have decreased more recently, I have no power to ignore Child Care law. Therefore, I must uphold the agency’s decision. I note to the petitioner (and reiterate the suggestion made by the respondent’s representative at hearing), that she should reapply for Child Care benefits in the event that her monthly income has been reduced below program limits, especially in light of the fact that her income is very close to the limit already.

### CONCLUSIONS OF LAW

The petitioner is not entitled to Child Care Benefits because her income exceeds the program’s income limit.

**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, Room G200, 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 6th day of April, 2016

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\sPeter McCombs  
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 April 6, 2016.

Milwaukee Enrollment Services  
Child Care Benefits