



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

CCB/173520

PRELIMINARY RECITALS

Pursuant to a petition filed April 7, 2016, under Wis. Admin. Code, §HA 3.03(4), to review a decision by Milwaukee Enrollment Services in regard to child care assistance, a hearing was held on May 4, 2016, at Milwaukee, Wisconsin, with the judge appearing by telephone.

The issue for determination is whether petitioner is eligible for child care assistance under the Wisconsin Shares program.

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 Street
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Milwaukee County.
2. Petitioner cares for her two grandchildren, ages 2 and 4. One of the children has special needs.
3. Petitioner filed this appeal concerning a discontinuance of FoodShare. She also checked "denial" of child care assistance. There is no record of an application for child care.
4. Petitioner is not employed or a participant in the Wisconsin Works (W-2) program.

### DISCUSSION

A caretaker is eligible for child care services if she needs the care to work, to attend Wisconsin Works (W-2) approved school, or to participate in W-2 activities. Wis. Stat., §49.155(1m)(a); Child Day Care Manual, §1.4.8.

Petitioner testified that she cannot look for work without child care. She was told that she would have to go through the W-2 agency to get such assistance. She said that she went to W-2 and was told that she was ineligible because she did not have sufficient proof of custody. I cannot make a determination on what the W-2 agency did. Appeals of W-2 actions are made directly to the W-2 agencies, not to this office.

I can only say that under state law a caretaker must be employed or in W-2 to be eligible for child care assistance. There is no authority to order child care for petitioner outside those parameters.

### CONCLUSIONS OF LAW

Petitioner has not applied for child care assistance, and at this point she would be ineligible because she is not employed or a participant in the W-2 program.

**THEREFORE, it is**

**ORDERED**

That the petition for review is hereby 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 10th day of May, 2016

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\sBrian C. Schneider  
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 May 10, 2016.

Milwaukee Enrollment Services  
Child Care Benefits