



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: CCB - 175042

PRELIMINARY RECITALS

Pursuant to a petition filed on June 17, 2016, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Barron County Department of Human Services regarding Child Care (CC), a hearing was held on July 13, 2016, by telephone.

The issue for determination is whether the department correctly denied CC to the petitioner because she did not verify her address.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: [REDACTED]
Barron County Department of Human Services
Courthouse Room 338
335 E Monroe 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 department denied child care benefits to the petitioner for April and May 2016 because she failed to verify her address.
3. The envelop the petitioner sent to the Central Data Processing Unit had her address on it along with a postmark indicating what city she lived in. She also provided verification of her employment that indicated she lived in Barron County.

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). Applicants must verify relevant information, including residence and address, within seven days of when it is requested, but this deadline may be extended 30 days if the applicant requests an extension. *Wisconsin Shares Child Care Subsidy Policy Manual*, § 1.6. The applicant has the primary responsibility for providing verification, but the agency must help those who have made a reasonable effort and failed to obtain information. *Id.* §§ 1.6.1. and 1.6.8. Once the applicant has submitted the necessary verifications, eligibility may begin on the first day of the month of the application filing date. *Id.* § 1.3.7.

The petitioner sought the benefits after four siblings were placed in her household in an emergency situation. The department denied her application because she did not verify her address. She contends that the process confused her and she was overwhelmed when she and her husband suddenly took on four children in addition to the two they already had.

I understand why the petitioner was overwhelmed and confused. The request for documentation seeks verification of both her address and her state of residence. Both listed a lease or statement from a landlord as examples of verification. But the remaining examples are different. She could prove where she lived with a utility bill; to prove her address, the examples of verification included a rental agreement or mortgage statement. It seems that verifying one's address would also verify that one lived in Wisconsin, so I do not understand the need for separate verification of each. I understand that the children and the parents must live at the same address to receive benefits, but even if the petitioner provides the requested verification, this is not proved.

Regardless, the petitioner concedes that she did not submit any of the listed forms of verification showing where she lived. She did, however, mail all of the other verifications to the Central Data Processing Unit in Janesville. This letter had a postmark on it, which shows it was mailed from Rice Lake. I am aware that a person can mail a letter in a city other than her residence and that the county agency would not have received this. Nevertheless, when combined with the various other pieces of verification such as wage statements, this leaves little doubt that she was a Wisconsin resident. Under the circumstances, this is sufficient verification to establish that she has satisfied the verification requirement. Because no one disputes that she met the remainder of the Child Care Program's eligibility requirements, I will order that she be eligible from April 1, 2016, forward.

CONCLUSIONS OF LAW

The petitioner is eligible for retroactive Child Care Benefits because she provided adequate verification of her residence.

THEREFORE, it is

ORDERED

That this matter is remanded to the county agency with instructions that within 10 days of the date of this decision it grant Child Care Benefits to the petitioner retroactive to April 1, 2016.

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, **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 August, 2016

\s _____
Michael 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 August 11, 2016.

Barron County Department of Human Services
Child Care Benefits