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TO: **W-2 Agencies**
Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff
Workforce Development Boards
Job Center Leads and Managers
Training Staff
Child Care Coordinators

FROM: Janice Peters, Director
Bureau of Working Families
Division of Family and Economic Security

DFES OPERATIONS MEMO					
No:	11- 31				
DATE:	08/12/2011				
FS	<input type="checkbox"/>	MA	<input type="checkbox"/>	BC+	<input type="checkbox"/>
SC	<input type="checkbox"/>	CTS	<input type="checkbox"/>	FSET	<input type="checkbox"/>
CC	<input type="checkbox"/>	W-2	<input checked="" type="checkbox"/>	EA	<input checked="" type="checkbox"/>
CF	<input type="checkbox"/>	JAL	<input checked="" type="checkbox"/>	JC	<input type="checkbox"/>
RCA	<input type="checkbox"/>	RMA	<input type="checkbox"/>	Other	<input type="checkbox"/> *
				EP	
PRIORITY: HIGH					

SUBJECT: Release of a New Fact Finding Form and Revision of Four Existing Forms

CROSS REFERENCE: [Operations Memo 11-45](#)
[Wisconsin Works Manual Chapter 19 Dispute Resolution](#)

EFFECTIVE DATE: Immediately

PURPOSE

This Operations Memo announces the availability of four revised Fact Finding forms and the release of a new form.

BACKGROUND

The form revisions were initiated in response to stakeholder request and done in collaboration with the W-2 Contracts and Implementation Committee's Policy and Program Operations Workgroup.

EXISTING FORMS - SUMMARY OF REVISIONS

- Old Title:** *WISCONSIN WORKS (W-2) AGENCY FACT-FINDING REVIEW NOTICE*
New Title: *FACT FINDING REVIEW APPOINTMENT NOTICE* form ([10782](#))
 - Rearranged and edited the information, resulting in a more reader-friendly form.

- Fields are now fillable and the participant's name and address fields have been formatted to fit a standard mailing envelope window.

2. Old Title: REQUEST FOR WISCONSIN WORKS (W-2) FACT-FINDING REVIEW

New Title: REQUEST FOR WISCONSIN WORKS (W-2) FACT FINDING REVIEW form ([10783](#))

- The form's introductory paragraph has been edited as follows. Underlined language has been added. Language with strikeout has been removed.

You may ~~request~~ ask for a Fact Finding review if you ~~believe~~ think that the W-2 agency's decision regarding W-2 services or Emergency Assistance is incorrect made a wrong decision about your W-2 placement or payment, services, Job Access Loan or Emergency Assistance. You must ~~submit a request in writing to~~ ask the W-2 agency for the Fact Finding within 45 days from the date of ~~the~~ on your decision notice, or within 45 days from the effective date of the decision, whichever is later.

- The form's *Type of Action* section has been reorganized, combining the old form's two sub-sections (*W-2 Application* and *W-2 Benefits Reduced or Terminated*) into a single section.
- In the participant's explanation section, the word "indicate" has been replaced with "explain" and "not correct" has been replaced with "wrong".

Please ~~indicate~~ explain why you think the W-2 agency's decision is ~~not correct~~ wrong:

- The language above the participant's signature line has been edited as follows. Underlined language has been added. Language with strikeout has been removed.

~~The Fact Finding review may also help to resolve issues regarding FoodShare, BadgerCare Plus, Medicaid, and Child Care benefits. The Fact Finding ~~Review~~ will not delay or prevent your right to request for a Fair Hearing for FoodShare, BadgerCare Plus, Medicaid, and/or Child Care with the Department of Administration, Division of Hearings and Appeals. To request a Fair Hearing, ask your FoodShare, BadgerCare Plus, Medicaid or Child Care agency for Fair Hearing Request form DHA-28.~~

- The text in the participant's signature box has been expanded to read:

Signature of Applicant/Participant or W-2 Agency Representative Accepting Verbal Request

3. Old Title: WISCONSIN WORKS (W-2) AGENCY FACT-FINDING REVIEW

New Title: FACT FINDING REVIEW SUMMARY AND DECISION form ([10784](#))

- The form now has fillable fields.
- The following introductory language under the old form's title has been removed:

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04 (1)(m), Wisconsin Statutes].

It has been replaced with:

The Fact Finder must complete this form or its equivalent following the Fact Finding Review appointment. The Fact Finder may either use this form to issue a summary and decision or may write a separate document that includes each of the items provided for in this form. If writing a separate document, it must be on the Fact Finder's agency letterhead.

- The Child Care, FoodShare and Other categories have been removed from the Program(s) Affected section.
- The Documentation Submitted and Sworn Statement Signature sections have been deleted and moved to the new DOCUMENTS SUBMITTED AT FACT FINDING REVIEW form (370).
- The Fact Finding results section has been entitled: *Fact Finding Review Outcome*.
- A check-box indicating withdrawn has been added to the *Fact Finding Review Outcome* section.
- A check-box indicating abandonment has been added to the *Fact Finding Review Outcome* section with the following explanatory language:

You did not come to your Fact Finding Review appointment. You have 7 working days from the date of your scheduled Fact Finding Review appointment to provide a good cause reason for not attending the Fact Finding. If the W-2 agency agrees with your good cause reason, the Fact Finding will be rescheduled.

- The text describing the *DEPARTMENTAL REVIEW OF W-2 FACT FINDING*, has been edited and moved. It is now beneath the *W-2 Agency Action Upheld* check box. Underlined language has been added. Language with strikeout has been removed.

The Fact Finder decided that the W-2 agency made a right decision. If you do not agree with the Fact Finder's decision of the W-2 Agency Fact-Finder, you may request ask for a Departmental rReview. You must request ask for a Departmental rReview of W-2 and Job Access Loan issues within 21 days of the date of the Fact-Finding decision, and Decision Date shown below. fFor Emergency Assistance issues, you must request ask for a Departmental Review within 14 days of the date of the Fact-Finding dDecision Date shown below. Late requests will not be accepted. To ask for a Departmental Review, send a written request to: Department of Administration, Division of Hearings and Appeals, PO Box 7875, Madison, WI 53707-7875.

- The language associated with the *Agency Action Overturned* check-box as been edited as follows. Underlined language has been added. Language with strikeout has been removed.

The Fact Finder decided that the W-2 agency made a wrong decision. If the W-2 agency has not fixed its ~~complied with the Fact Finding~~ decision within 10 days of the Decision Date shown below, please contact you may call the Bureau of Working Families at 855-757-4539 for help Fact-Finder.

- The following sentence has been added to the Fact Finder's signature space:

My signature certifies that this document is a true copy of the original.

- The space for the Fact Finder's phone number has been replaced with space for the W-2 agency's phone number.

4. **Old Title: WISCONSIN WORKS (W-2) SERVICES FACT FINDING REVIEW VOLUNTARY WITHDRAWAL**

New Title: FACT FINDING REVIEW VOLUNTARY WITHDRAWAL form ([11155](#))

- The following introductory language under the old form's title has been removed:

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04 (1)(m), Wisconsin Statutes].

It has been replaced with:

The W-2 agency should complete this form and provide the petitioner and the Fact Finder with a copy. The fields are fillable.

- The language under the worker's name has been edited as follows. Underlined language has been added. Language with strikeout has been removed.

~~I am no longer interested in completing~~ withdrawing the request I made for a W-2 Fact Finding Review. I hereby withdraw my prior request for a Fact Finding Review which was dated that is scheduled for ____/____/____. I understand that if I voluntarily withdraw my request This does not change any request I have made or may make for a W-2 Fact Finding Review, the withdrawal will have no impact on my status for a Fair Hearing request Food Stamps Share, Medicaid, BadgerCare Plus or Child Care Fair Hearing filed with the Department of Administration, Division of Hearings and Appeals.

- Petitioner's Fact Finding request date has been moved from the introductory paragraph to directly below the introductory paragraph.
- The following language was added: *Agency decision I thought was wrong and date of the notice telling me about this decision:*
- Actions to be taken by the agency (include due dates if appropriate)* had been moved up to proceed petitioner actions and replaced with *Action(s) the Agency must take (Please include due date(s) if appropriate. Due date(s) must not exceed 7 working days from today's date.)*.
- Actions to be taken by the petitioner (include due dates if appropriate)* has been replaced with *Action(s) I must take (Please include due date(s) if appropriate. If no action is required of the petitioner, please indicate "none".)*
- The following paragraph:

Right to File a New Fact Finding

If you are not satisfied with the results of the actions by the agency identified in this withdrawal request, you can file a new Fact Finding request. Any request for a Fact Finding must be made timely. A request must be filed within 45 days of the agency's action or effective date of the agency's action. If a request is made untimely, it will be dismissed.

was replaced with:

Right to have my Fact Finding request reinstated

I agree to withdraw my request for a Fact Finding Review based on the agency taking the action(s) listed above. I also agree to take any actions listed above for me. If the actions

listed above do not happen by the due date, my withdrawal becomes void and my original Fact Finding request is reinstated. If my Fact Finding request is reinstated, the W-2 agency will schedule a Fact Finding Review appointment within 8 working days of the action due date above. If my W-2 agency does not schedule the Fact Finding Review appointment, I can call the Bureau of Working Families 855-757-4539 (toll free) for help.

- *Fact Finder Signature was replaced with W-2 Agency Representative Signature*
- A section for agency use only was added to capture the date WPF is completed.

NEW FORM

The Department has created a new form, *DOCUMENTS SUBMITTED AT FACT FINDING REVIEW* ([370](#)). At the end of each Fact Finding Review, the Fact Finder must use the form to:

1. List all evidence/documentation submitted; and
2. If the Fact Finding is not recorded, capture the signature of each person attending the Fact Finding Review, swearing to the accuracy of his or her individual testimony.

Please note that the Department recommends tape recording Fact Finding Reviews as a best practice.

ACTION REQUIRED

W-2 agencies must immediately begin using the new form and four revised forms, or, if using their own Fact Finding review summary and decision form, must immediately incorporate all of the elements provided for in form 10784.

CONTACTS

For Policy Questions in the Balance of State: Bureau of Regional Operations, W-2 Regional Coordinators

For Policy Questions in Milwaukee: Milwaukee Operations Section Regional Administrators

For CARES Processing Questions: W-2 Help Desk

*Program Categories – FS – FoodShare, MA – Medicaid, BC+ – BadgerCare Plus, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – FoodShare Employment and Training, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RCA – Refugee Cash Assistance Program, RMA - Refugee Medical Assistance Program, *Other EP – Other Employment Programs.

DCF/DFES/BWF/GS