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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- 44				
DATE:	12/14/2011				
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: Publication of a New Fact Finding Form and Updates to an Existing Form, CARES Screen WPF, and Fact Finding Policy**

**CROSS REFERENCES:** Operations Memo [06-39](#), W2 Fact Finding Monitoring  
Operations Memo [08-47](#), Modifications to Fact Finding WPF Screen  
Operations Memo [11-31](#), Release of a New Fact Finding Form and Revision of Four Existing Forms

**EFFECTIVE DATE:** January 9, 2012

**PURPOSE**

This Operations Memo announces:

- 1) Publication of new form, *Fact Finding Review Denial Notice* (2686) and updates to *Fact Finding Review Summary and Decision* form (10784);
- 2) Updates to CARES screen WPF; and
- 3) Fact Finding Policy Clarifications.

**BACKGROUND**

WPF is the CARES screen used to enter and document monthly Fact Finding activities. The Department is updating this screen to be consistent with current Fact Finding policy and to be

consistent with form revisions made in Operations Memo 11-31. The Department created a new Fact Finding form and made update to an existing form in response to comments from local agencies.

**WPF F UPDATES**

The following updates were made to CARES to be consistent with current Fact Finding policy and Operations Memo 11-31:

1) REASON FOR REQUEST Field Reference Table

- Delete codes:
  - CMA – Case Management and Assigned Activities
  - FSI – FSET Relating to Work Program Issues
- Add codes:
  - LNF – Learnfare Penalty
  - NAF – Non-Appealable Fact Finding Issue
  - GCD – Good Cause Denied for Child Support Non-Cooperation

2) PRE-RESOLUTION OUTCOME Field Reference Table

- Delete code CA – Case Abandoned
- Add codes:
  - VA – Pre-resolution Voided by Agency
  - VP – Pre-resolution Voided by Petitioner

3) Change the field title DECISION FAVORS to REVIEW OUTCOME and add these codes to the reference table:

- NA – No Review Held – Abandoned
- NU – No Review Held – Untimely request
- NN – No Review Held – Non-Appealable Issue
- RS – Withdrawn – Resolved by the Agency and the Participant
- WR – Withdrawn – Participant Submitted Written Request to Withdraw

4) Remove the REVIEW ATTENDEES line.

WPF F	FACT FINDING	08/11/11 09:49
		XCTS48 M SUNDARAM
PIN: 9523334352	OFFICE: 1579 CTY/TRIBE: 40	
NAME: NICOLE	S WILKE	
DC: ___	SEQ NUM: 002	UPDATED DT: 07 27 2011
		LAST UPDATED BY: XCTS48
FACT FINDING REQUEST DT: 07 26 2011	SCHEDULED REVIEW DT: ___ ___ ___	
APPT. NOTICE PROVIDED DT: ___ ___ ___	REVIEW HELD DT: ___ ___ ___	
REASON FOR REQUEST: ADD APPLICATION DECISION DELAYED		
_____		
PRE-RESOLUTION OUTCOME: ___	PRE-RESOLUTION OUTCOME DT: ___ ___ ___	
DECISION DT: ___ ___ ___	REVIEW OUTCOME: ___	DT AGENCY COMPLIED: ___ ___ ___
COMMENTS: _____		
_____		
_____		

**NEW FORM**

The Department developed the new form *Fact Finding Review Denial Notice* (2686) in collaboration with the ad hoc Milwaukee Fact Finding Workgroup composed of Milwaukee W-2 agency representatives and their Fact Finders.

The new form allows for a standardized W-2 agency response to petitioners who are denied a Fact Finding Review because 1) their request was untimely and/or 2) their request was for a reason not included in the following allowed Fact Finding reasons:

- Denial of a W-2, Emergency Assistance, or Job Access Loan application;
- The agency did not act on a W-2 application within 12 working days;
- The agency did not act on a Job Access Loan application within 12 working days;
- The agency did not act on an Emergency Assistance application within 5 working days;
- The petitioner disagrees with any of the following:
  - ✓ The Emergency Assistance amount;
  - ✓ The W-2 employment position placement;
  - ✓ The W-2 payment was ended or reduced;
  - ✓ The W-2 payment was subject to an overpayment; or
  - ✓ The denial of a Child Support Good Cause request.

**EXISTING FORM**

The Department updated the *Fact Finding Review Summary and Decision* (10784) form. The underlined text below was added to the paragraph beneath the Fact Finding Abandoned check-box.

*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. If you do not agree with the agency's decision about your good cause, you may request a Departmental Review of that decision. You must request a Departmental Review within 21 days of the date of the Fact Finding decision. 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.*

Additionally, the form was reformatted to conform to new DCF standards.

**POLICY UPDATES**

The following Manual Sections will be updated in Release 12-01. Underlined text will be added. Text with strikeouts will be deleted.

**12.2.1 Request for Fact Finding Review**

All Job Access Loan and Emergency Assistance applicants and W-2 applicants and participants have the right to request a Fact Finding Review. The Fact Finding Review is completed by the W-2 agency's Fact Finder. It is the first level of the dispute resolution if an applicant or participant believes:

1. The denial of an application for W-2 services was incorrect;
2. The application was not acted upon with reasonable promptness;
3. The employment position placement was inappropriate; ~~and/or~~
4. The W-2 payment was incorrectly ended, reduced or subject to an overpayment;-
5. The Emergency Assistance amount was incorrect; and/or
6. The denial of a good cause request for non-cooperation with child support was incorrect.

If an applicant or participant requests a Fact Finding Review for a complaint not related to any of the above reasons, the W-2 agency must provide the petitioner with a completed *Fact Finding Review Denial Notice* (2686) form. ~~Review will not be scheduled. This notice must refer the petitioner to one or more of the following complaint resolution resources:~~

- ~~Internal agency complaint procedures;~~
- ~~W-2 customer service phone numbers: for Milwaukee 414-227-4633, for Balance of State agencies 855-757-4539 (toll-free); or~~
- ~~DCF complaint website.~~

An applicant or participant who requests a Fact Finding Review should be encouraged to use the *Request for Wisconsin Works (W-2) Fact-Finding Review* form (10783). However, the petitioner may use other documentation containing the same information found in the form. A W-2 agency must also accept phone requests for Fact Finding Reviews and must document the phone request using the *Request for Wisconsin Works (W-2) Fact-Finding Review* form (10783).

With the exception of a Learnfare Fact Finding Review request made within 10 calendar days after the date of the Learnfare Penalty Notification, the agency decision stands until it is overturned by a Fact Finding Review or a Departmental Review.

### 12.2.2 Timeframe for Requesting a Fact Finding Review

Fact Finding Review requests must be made:

- within 45 calendar days from the mailing date of the Notice of Eligibility for W-2 services and JALs; or
- within 45 calendar days of the mailing date for manual EA notices; or
- within 45 calendar days from the effective date of the decision announced in the notice, whichever is later.

If the 45<sup>th</sup> day falls on a weekend or holiday, the calculated date will be the next working day. If the request is received within the 45-day timeframe, the W-2 agency must schedule a Fact Finding Review.

Fact Finding Reviews are not available if the agency action being contested occurred more than 45 days prior to the Review request. If the request for a Fact Finding Review is received beyond the 45-day timeframe, the W-2 agency must provide the petitioner with a completed *Fact Finding Review Denial Notice* (2686) form. ~~provide written notification to the applicant or participant that a Fact Finding Review will not be scheduled. This notification must reference the following complaint resolution resources:~~

- ~~Internal agency complaint procedures;~~
- ~~W-2 customer service phone numbers: for Milwaukee 414-227-4633, for Balance of State agencies 855-757-4539 (toll-free); or~~
- ~~DCF complaint website.~~

An applicant or participant who requests a Fact Finding should be encouraged to use the *Request for Wisconsin Works (W-2) Fact-Finding Review* form (10783). However, the petitioner may use other documentation containing the same information found in the form. A W-2 agency must also accept phone requests for Fact Finding Reviews and must document the phone request using the *Request for Wisconsin Works (W-2) Fact-Finding Review* form (10783).

~~With the exception of a Learnfare Fact Finding Review request made within 10 calendar days after the date of the Learnfare Penalty Notification, the agency decision stands until it is overturned by a Fact Finding Review or a Departmental Review.~~

### 12.2.3 FACT FINDING REASONS

A Job Access Loan (JAL) or Emergency Assistance (EA) applicant may request a Fact Finding Review if he or she believes:

1. The denial of an application for EA or a JAL was incorrect; ~~or~~
2. The Emergency Assistance amount was incorrect;
3. The An Emergency Assistance application was not acted upon with reasonable promptness within 5 working days; or
4. A JAL application was not acted upon within 12 working days.

A W-2 applicant or participant may request a Fact Finding Review if he or she believes:

1. The denial of an application for W-2 was incorrect;
2. The application was not acted upon ~~with reasonable promptness~~ within 12 working days;
3. The employment position placement was inappropriate; ~~and/or~~
4. The W-2 payment was incorrectly ended, reduced or subject to an overpayment; and/or
5. The denial of a good cause request for non-cooperation with child support was incorrect.

### 12.3.1 REQUESTING A DEPARTMENTAL REVIEW

If an individual or the W-2 agency disagrees with the final Fact Finding decision, they may appeal the decision by requesting a Departmental Review with one exception. The one exception is that a W-2 agency may not appeal a Fact Finding decision related to Emergency Assistance, but the individual may.

The Department of Administration, Division of Hearings and Appeals (DHA) will complete the Departmental Review. This Review is a limited review of the record and the decision of the Fact Finder.

The request for a Departmental Review of a W-2 decision including a Job Access Loan decision must be received by the DHA within 21 calendar days after the date on which the copy of the Fact Finding decision is mailed (the same date as the Fact Finding decision).

The request for a Departmental Review of an Emergency Assistance decision must be received by the DHA within 14 calendar days after the date on which the certified copy of the W-2 Fact Finding decision is mailed (the same date as the Fact Finding decision).

DHA must date stamp requests for a Departmental Review. DHA will promptly notify the W-2 agency of receipt of a request for a Departmental Review. The W-2 agency must submit the Fact Finding file to DHA within 5 working days after receipt of the request. DHA will fully review the W-2 agency's Fact Finding decision by completing a desk review.

If after reviewing the Fact Finding file, DHA determines that the file is inadequate, DHA may do any of the following:

- Remand the file to the W-2 agency to provide additional information;
- Hold a teleconference interview with the petitioner and W-2 agency representative; or
- Request written supplementation from the petitioner or W-2 representative.

DHA may grant a postponement of a telephone conference if the petitioner is not available due to a good cause reason. DHA may grant an extension of the decision.

DHA must complete its Review within 10 working days of the receipt of the Fact Finding file, unless DHA determines the file is inadequate. If the W-2 agency has requested the Departmental Review, the W-2 agency must comply with the Fact Finder's decision while waiting for DHA to issue its decision.

The Department must deny a request or must refuse to grant relief if the applicant or participant withdraws the request for a Departmental Review in writing.

### **REMINDER**

Agencies are required to enter all Fact Finding activities on WPF.

### **ACTION REQUIRED**

W-2 agencies must begin using the new and updated forms, discuss the WPF changes and policy clarifications with staff, and update relevant local agency procedures.

### **ATTACHMENTS**

Updated *Fact Finding Review Summary and Decision* form (10784)  
New *Fact Finding Review Denial Notice* form (2686)

### **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