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State of Wisconsin
Governor Tony Evers

TO: **W-2 Agencies**
Training Staff

FROM: Janice Peters, Acting Director
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BWF OPERATIONS MEMO

No: 20-19
DATE: 09/25/2020

W-2 ☒ **EA** ☐ **CF** ☐ **JAL** ☐

RAP ☐ **TMJ** ☐ **TJ** ☐ **Other EP** ☐

SUBJECT: ***Calculating the 45-Day Deadline to Submit a Fact Finding Review Request for W-2 Payment Reductions***

CROSS REFERENCE: W-2 Manual 12.2.1 Request For Fact Finding Review
W-2 Manual 12.2.2 Timeframe For Requesting Fact Finding Review
W-2 Manual 12.3.1 Requesting a Departmental Review

EFFECTIVE DATE: October 1, 2020

PURPOSE

The purpose of this memo is to announce a change to the systems-generated due date for submitting a Fact Finding Review request for a Wisconsin Works (W-2) payment reduction.

BACKGROUND

Per W-2 Manual 12.2.1, all 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 and is an informal process to resolve disputes. It is the first level of the dispute resolution process.

Per W-2 Manual 12.2.2, Fact Finding Review requests related to payment reduction notices must be submitted within 45 calendar days from the mailing date of the notice or the effective date of the decision announced in the notice, whichever is later.

Per W-2 Manual 12.3.1, if an individual disagrees with the final Fact Finding decision, he or she may appeal the decision by requesting a Departmental Review. The Department of Administration, Division of Hearings and Appeals completes the Departmental Review. It is the second level of the dispute resolution process.

As a result of a recent Departmental Review of a W-2 Fact Finding decision, payment reduction notices generated by the CARES mainframe system based on non-participation hours entered by the W-2 Financial and Employment Planner on CARES screen WPNH were evaluated to ensure compliance with the decision [WWW-FDR-197786] by an Administrative Law Judge.

The *Information About Your Wisconsin Works (W-2) Payment* notice is sent to all participants whose W-2 payment is reduced. This notice is system-generated at the end of the month for a W2P (Pulldown Cycle) payment or the beginning of the month for a W2L (Delayed Cycle) payment. If a payment reduction is 20% or greater, a *Notice of Potential W-2 Payment Reduction* is also sent. This notice is system-generated at the end of the month for a W2P payment or the beginning of the month for a W2L payment.

Both of these notices provide information regarding the W-2 participant's right to a Fact Finding Review, the steps to request a Fact Finding Review, and the date by which a request for a Fact Finding Review must be submitted. This date is calculated by the CARES mainframe system.

POLICY CLARIFICATION

There are no policy changes associated with this memo. Fact Finding Review requests related to payment reduction notices must be submitted within 45 calendar days from the mailing date of the notice or the effective date of the decision announced in the notice, whichever is later.

Policy is clarified that, going forward, the effective date of W-2 payment reduction notices generated at the end of the month is the first day of the check month. In practice, this change will give W-2 participants more time to request a Fact Finding Review. For example:

Under the current process, for a payment reduction notice for the December 2019 payment generated on November 26, 2019 (W2P Pulldown), the system would use November 26, 2019 as the effective date. The request for a Fact Finding Review would be due by January 10, 2020.

Under the new process, for a payment reduction notice for the December 2019 payment generated on November 26, 2019 (W2P Pulldown), the system would use December 1, 2019 as the effective date. The request for a Fact Finding Review would be due by January 15, 2020.

CARES and/or CARES WORKER WEB (CWW) CHANGES

Effective October 1, 2020, the CARES mainframe will use the first day of the check month as the effective date when calculating the due date to request a Fact Finding Review for W2P payment reduction notices that are generated at the end of the month. These notices are dated prior to the first day of the check month. Using the first day of the check month gives W-2 participants the most time to request a Fact Finding Review.

The CARES mainframe will continue to use the mailing date when calculating the due date to request a Fact Finding Review for W2L payment reduction notices that are generated at the beginning of the month. These notices are dated after the first day of the check month. Using the mailing date gives W-2 participants the most time to request a Fact Finding Review.

TRAINING

The Partner Training Team will update any relevant trainings based on these system updates.

AGENCY ACTION

W-2 agencies must become familiar with the new functionality as described in this memo and update any relevant local agency procedures.

CONTACTS

For W-2 Policy Questions: DCFW2PolicyQuestions@wisconsin.gov

For W-2, CARES and WWP Functionality Questions: BWF Work Programs Help Desk BWFworkprogramsHD@wisconsin.gov

DCF/DFES/BWF/DH