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STATE OF WISCONSIN
BEFORE THE MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING AND SOCIAL WORK EXAMINING BOARD
SOCIAL WORKER SECTION

In the Matter of the Application for a Social Worker
Training Certificate of
Mark D. Hollowitsch,
Applicant.

FINAL DECISION
(Class 1 Proceeding)

PARTIES

The parties in this matter under Wis. Stat. § 227.44 and Wis. Admin. Code § RL 1.04 and for purposes of review under Wis. Stat. § 227.53 are:

Mark D. Hollowitsch 3026 Youngdale Avenue La Crosse, WI 54603	Marriage and Family Therapy, Professional Counseling and Social Work Examining Board 1400 East Washington Avenue Madison, WI 53703
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The Social Worker Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, having held a hearing on the application for a social worker training certificate for Mark D. Hollowitsch, and having considered the entire record in the matter, makes the following Findings of Fact, Conclusions of Law, and Order.

PROCEDURAL HISTORY

By application dated August 4, 2008, Mark D. Hollowitsch applied for a social worker training certificate in the State of Wisconsin pursuant to Wis. Stat. § 457.09 and Wis. Admin. Code § MPSW 3.13. The Social Worker Section reviewed his application and determined that it should be denied. A Notice of Intent to Deny was sent to Mr. Hollowitsch on or about November 3, 2008.

In response, Mr. Hollowitsch requested a hearing on the Intent to Deny. A hearing was held on March 4, 2009. Mr. Hollowitsch appeared in person, *pro se*.

FINDINGS OF FACT

1. Mark D. Hollowitsch applied for a social worker training certificate on August 4, 2008.
2. Applicants for a social worker training certificate must have a qualifying human services degree.
3. Mr. Hollowitsch’s degree does not have a major with a focus predominantly on course content related to providing services to individuals with difficulties in psychological and social functioning.
4. Mr. Hollowitsch’s degree does not have a major with a senior seminar or capstone course that pulled together all the themes of the helping professions.
5. Mr. Hollowitsch’s degree does not have a major with a course with significant content in professional ethics and values in the context of helping professions.
6. Mr. Hollowitsch’s degree is not a qualifying human services degree.

CONCLUSIONS OF LAW

1. The Social Worker Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board is the legal authority responsible for issuing social worker training certificates under Wis. Stat. § 15.405 and Chap. 457.
2. Section 227.01(3)(a), Wis. Stats., places the burden on the applicant to prove that the credential-granting authority did not properly exercise its discretion in denying the application.
3. The applicant, Mark D. Hollowitsch, has not successfully shown that he has the requirement of a qualifying human services degree established under Wis. Stat. § 457.09 and Wis. Admin. Code § MPSW 3.13, for a social worker training certificate.

ANALYSIS

The Social Worker Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (Section) issued Mark D. Hollowitsch a Notice of Intent to Deny following its review of his application for a social worker training certificate. Thereafter, Mr. Hollowitsch made a timely request for a hearing regarding the Section’s Notice of Intent to Deny. Wis. Stat. § 227.01(3)(a) defines an agency’s grant or denial of a license as a Class 1 proceeding. An applicant who challenges that proceeding bears the burden of showing that such action was an abuse of discretion in that the agency either failed fairly to consider the facts before it or misapplied the applicable law. Mr. Hollowitsch did not demonstrate that the Section’s initial denial was either wrong or an abuse of discretion. Consequently, the denial of his application for a social worker training certificate is affirmed.

ORDER

NOW, THEREFORE, IT IS ORDERED that the application for a social worker training certificate of applicant Mark D. Hollowitsch shall be and hereby is **DENIED**.

APPEAL INFORMATION

The applicant's right to request rehearing and for judicial review is set forth in the enclosed "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 2nd day of April, 2009.

George Kamps, Chair, Social Worker Section
Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board

Enclosure