

## WV INCOME MAINTENANCE MANUAL MANUAL MATERIAL TRANSMISSION

**DATE:** November 1, 2004 **CHANGE NUMBER:** 341

**TO:** ALL INCOME MAINTENANCE MANUAL HOLDERS

DELETE			INSERT OR CHANGE		
PAGES	CHAPTER	DATED	PAGES	CHAPTER	DATED
37, 38	15	10/04	37, 38, 38a	15	11/04
			DFA-Vance-1	FORM	11/04
			DFA-Vance-2	FORM	11/04
			DFA-Vance-3	FORM	11/04
			DFA-Vance-4	FORM	11/04
			DFA-Vance-5	FORM	11/04

This change is made to address policy established due to the Vance v. Nusbaum Court Order. The Court has ordered that the Department notify each WV WORKS recipient and applicant of their rights under the American with Disabilities Act. It outlines what the Department must do during the screening and assessment process to determine if there is a possibility that the client suffers from a physical or mental illness or learning disability and outlines ways to address existing problems.

This Court Order establishes a procedure wherein the Department must re-evaluate all WV WORKS cases that had received 60 months and been closed prior to the screening procedures that were established in Policy Change 307. Past recipients that received 60 months of cash assistance prior to April 1, 2004, received a sanction while they were receiving benefits and/or were not granted an extension will be contacted. If they believe that they were unfairly sanctioned or were not granted an extension because a disability was not recognized and that disability caused them to be unable to meet their participation requirements, they may request that the closure of their case be reviewed. Each county will name a Designated Case Worker (DCW) who will evaluate these requests. This policy outlines the role of the Designated Case Worker, how they will make a determination regarding whether or not a disability existed at the time the participant was sanctioned or was not granted an extension and the time frames associated with each step of the process established by court order. If it is determined that such a disability impacted their ability to participate and they were sanctioned unfairly, a referral will be made to the 60 Month Review Committee and referrals

will be made for additional assessments and services. Cases approved for this type of extension are eligible only for services, not for additional cash assistance.

Chapter 15.6,C, Item 8 – Vance v. Nusbaum Court Order being added as a reason for an extension of the 60 month WV WORKS time limit. The procedures and timeframes established by the order are outlined.

FORMS – Client notices that meet the timeframes and procedures established by Court Order:

- DFA-Vance-1 - The initial notice sent to the former WV WORKS participants, it includes a “Request for Review” form to be returned to request a case review.
- DFA-Vance-2 - The DHHR response to the “Request for Review”, sent by the District Designated Case Worker. It contains the dates that sanctions were applied to their case and/or the date that no extension was received.
- DFA-Vance-3 - Denial sent if it is determined that no disability existed.
- DFA-Vance-4 - Notice that client was disabled and notice of the review by the 60 Month Review Committee regarding referrals for additional services.
- DFA-Vance-5 - Denial notice to be sent if the Client does not provide medical records within the requested 30 day period.