

1.2 GENERAL INFORMATION

This Section contains general information, applicable to all Programs and coverage groups.

A. APPLICANT AND POTENTIAL APPLICANT'S RIGHTS

In addition to addressing all questions and concerns the client may have, the Worker must explain the benefits of each Program and inform the client of his right to apply for any or all of them.

1. Right To Apply

No person is denied the right to apply for any Program administered by the Division of Family Assistance. Every person must be afforded the opportunity to apply for all Programs on the date he expresses his interest.

NOTE: When an application has been made for WV WORKS and/or Medicaid and the application is denied, withdrawn, approved for a DCA payment, or held pending additional information, the AG must not be required to make a separate application for Food Stamp benefits. Food Stamp eligibility must be determined using the application already completed.

When it is not feasible for the applicant to be interviewed on the date he expresses his interest, he must be allowed to complete the process at a later date. An appointment may be scheduled for his return, or the client may return at his convenience, depending upon the procedure established by the CSM. The same procedure must be used for all applicants within the county. If a follow-up appointment is scheduled and the applicant appears for the interview, he must be seen on that day and not required to return again to complete the application process.

NOTE: Food Stamp applicants must be given a scheduled interview when it is not feasible to conduct an interview on the date the application is made. Any special needs such as, but not limited to, the applicant's work schedule, must be accommodated.

NOTE: When the applicant has completed the interactive interview, and there is a technical failure that prevents printing the OFS-2, form OFS-5 must be signed by the applicant and filed in the record with the OFS-2 after it is printed. He must not be required to return to the office to sign the OFS-2 when the OFS-5 has been signed.

2. Right To Information

All those who have applied for benefits, or who inquire about the requirements for receiving benefits, must have the requested information provided. This includes a general explanation of the eligibility requirements and answers to specific questions. If the Worker does not know the answer to the specific question, he may request that his Supervisor submit the question to the DFA Economic Services or Family Support Policy Unit. However, applicants and potential applicants must not be referred to the DFA Policy Unit for a direct response.

3. Right To Consideration For All Programs

It is the Worker's responsibility to explain and make available all of the Department's programs for which the applicant could qualify. Unless the applicant specifically states he is not interested in being considered for WV WORKS, including DCA; Food Stamp benefits; Medicaid; or SCA, during the appropriate time period, the Worker must evaluate potential eligibility for each of these. The evaluation of eligibility is accomplished in RAPIDS.

Mail-in applications for any program must be evaluated for all other programs based on the available information.

The Worker has a choice of 3 codes for the affected programs on ACPA:

- N--The applicant has specifically requested that his eligibility not be considered for the benefit.
- Y--The applicant has specifically requested that his eligibility be determined for the benefit. If it is determined that the applicant is not eligible, this benefit is denied. If he is eligible, the Worker must confirm eligibility to approve receipt of the benefit. Once the decision is made, the AG is considered to be Determined, or in Determined AG Status.
- E--The applicant or the Worker wants to determine potential eligibility for a program. If not determined potentially eligible, no further action is needed; no client notification is required. If he is determined potentially eligible, the Worker must confirm while in "E" status to issue client notification. No benefit is issued to an AG coded as "E" even when the AG is confirmed, and the calculated benefit amount is not used in any other RAPIDS functionality and is not included in the notice of potential eligibility. Once the decision is made, the AG is considered Evaluated, or in Evaluated AG Status.

The AG Status Codes displayed on AGECE in RAPIDS indicate if an AG is Determined or Evaluated as follows:

Eligibility Status	Determined AG Status	Evaluated AG Status
Pass	OP	PO
Fail	CL	PC
Denied	DE	PD
Pend	PE	PP
Spenddown Pending	MD	PM

When an Evaluated AG passed and is confirmed, a client notice is issued from RAPIDS to inform the applicant that he may be eligible for a benefit for which he did not apply and that he must contact his local office for information or to apply.

4. Right to Fair and Equitable Treatment of Applicants and Recipients
 - a. Introduction

West Virginia has established procedures for ensuring fair and equitable treatment of applicants and recipients of public assistance. The West Virginia Department of Health and Human Resources must ensure that no person shall, on the grounds of race, color, national origin, sex, religious creed, age, disability, political beliefs, or retaliation, be subjected to discrimination. Compliance with the following laws, policies and regulations assures equal opportunity for all individuals.

- **The West Virginia Human Rights Act, West Virginia Code §5-11-1**
- The Age Discrimination Act of 1975, 42 U.S.C. §6101 et seq.
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794
- The Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.
- Title VI of the Civil Rights Act of 1964, 42 U.S.C. §20000d et seq.
- **Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.**

- **The Personal Responsibility and Work Opportunity Reconciliation Act of 1996**
- **The Civil Rights Restoration Act of 1987**
- **The Food Stamp Act of 1977, as amended**
- **USDA Departmental regulation 4330-2**
- **USDA Regulation, 7CFR Part 16.**

Federal law protects individuals with a disability and defines that as a person who has;

- a physical or mental impairment that substantially limits one or more of the major life activities of that individual; or
- a person who has a record of such an impairment; or
- a person who is being regarded as having such an impairment.

There are two key issues regarding discrimination against people with disabilities:

- Individualized treatment: Individualized treatment requires that individuals with disabilities be treated on a case-by-case basis, based upon facts and objectivity. Such individuals may not be treated differently on the basis of generalizations or stereotypes.
- Effective Opportunity and Access: Effective opportunity and access means that individuals must be given the same access and opportunities to programs of assistance as individuals who do not have disabilities.

Federal law also protects individuals with Limited English Proficiency (LEP) and defines that as;

- **Individuals who do not speak English as their primary language; and**
- **have a limited ability to read, speak, write, or understand English.**

It is the responsibility of the Worker to consider whether a person may have a **special need**, and how **that** may affect his ability to comply with rules, fill out forms, attend scheduled appointments,

etc. If the Worker determines that a person has a disability **or LEP and** that affects his ability to comply, the Worker has the authority to make reasonable modifications or accommodations to ensure that the person receives equal access to all programs and services. Any evidence must be documented in the case **record and in** Case Comments. In addition, **RAPIDS** screen ANDA allows the entry of at least two informational flags per individual. These flags include, **but are not limited to:**

BL	Blind	HC	Physical Disability
DE	Deaf-Hearing Impaired	MD	Mental Disability
FL	Foreign Language - LEP	NL	Not Literate
HB	Homebound	WC	Uses a Wheelchair

A flag **must** be entered to alert the Worker that **an** accommodation **may be needed and also to track cases for Federal reporting requirements.**

NOTE: WV WORKS participants who have a documented disability must be placed in the AD component in Work Programs in addition to other component codes.

b. Methods and Examples of Accommodations

At this time West Virginia does offer the following methods of accommodations to all **applicants and recipients:**

- Sign Language Interpretation

WV Commission for Deaf and Hard of Hearing
(304) 558-1675
Contact Person: Roy Forman

There is a directory which contains a list of certified and approved sign language interpreters.

- Visual Impairment Services

All general public information should be made available in accessible formats such as large print, cassette recording, computer diskette and Braille. Public entities are responsible for providing these upon request, unless doing so causes an undue burden. Public entities are prohibited from charging a fee for auxiliary aids and services.

- Interpreter Services With Phone Companies

Verizon offers interpreter services free of charge. An Interpretation Unit is accessible through Verizon's main phone number.

- **Interpreter Services With Community Resources**

If an individual requires an interpreter, the Worker must contact local resources to locate one. Examples of community resources include, but are not limited to, the Board of Education, local colleges and the Division of Rehabilitation Services. If a local community resource cannot be located, the Supervisor of the Worker must contact the DFA Policy Unit for assistance.

- **Interpreter Services For Participants In The Refugee Assistance Program**

Interpreter services are available for individuals who are participating in the Refugee Assistance Program. See Section 18.10, request for services can be made by contacting the following agency:

**Office of Migration and Refugee Services
1116 Kanawha Boulevard, East
Charleston, West Virginia 25301
(304) 343-1036**

EXAMPLE: An individual applies for WV WORKS. He has a learning disability and is unable to read, comprehend or complete the application. A reasonable accommodation is for the Worker to read the application to the individual and to explain the information fully.

EXAMPLE: A client is physically unable to come to the local office for appointments made to keep her benefits. A reasonable accommodation is for the Worker to arrange to do a phone interview and/or a home visit, if necessary.

EXAMPLE: A client who has limited mobility comes into the office for a redetermination of benefits. An accommodation for this person is to ensure that an interview room equipped for disabled individuals is available for this client at the time of his appointment. If no such room is available, the Worker may assist the client to an appropriate work station to conduct the interview.

c. Complaint Procedures

Any person, who believes that he has been the subject of discrimination on the basis of **race, color, national origin, sex, religious creed, age, disability, political beliefs, or retaliation**, has a right to file a complaint. This complaint can be filed by the individual or his representative.

Procedures to file a complaint are:

The individual may make the complaint using form IG-CR-3, by phone or in person to the Civil Rights Compliance Officer, within 180 days of the incident to the following address or phone number.

Civil Rights Compliance Officer
West Virginia Department of Health & Human Resources
Office of Inspector General
State Capitol Complex
Building 6, Room B-817
Charleston, West Virginia 25305
(304) 558-2018

For Food Stamp Benefits only, a copy **of the IG-CR-3 must be sent to the following address, or the individual may file a direct complaint to:**

**United States Department of Agriculture
Director, Office of Civil Rights
1400 Independence Ave SW
Washington, DC 20250-9410
(800) 632-9992**

The individual may also report concerns for federal review **within 180 days of the date of the incident to the following address.**

**Office for Civil Rights
U.S. Department of Health & Human Services
150 S. Independence Mall, West – Suite 372
Philadelphia, Pennsylvania 19106-3499
(800) 368-1019**

A written complaint should include the following information:

- The name of the person(s) felt to have been treated unfairly
- The date and description of the alleged discriminatory action
- The name(s) of other persons, if any, who were present when this action occurred
- The date the complaint is made
- The signature of the person or representative making the complaint

Each complaint received must be investigated and corrective action taken, if appropriate. The investigations and corrective actions are handled in conjunction with DHHR's Office of Inspector General, Civil Rights Compliance Officer.

Each office must post the ADA/Section 504 Notice in a prominent area to provide information regarding rights under the ADA and Section 504.

For Food Stamp benefits only, the following USDA nondiscrimination statement must be included, in full, on all materials produced for public information, education or distribution regarding the program:

In accordance with Federal law and U.S. Department of Agriculture (USDA) policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, religious creed, age, disability, political beliefs, or retaliation.

If you require this information in alternative format (Braille, large print, audiotape, etc.), contact the USDA's TARGET Center at (202) 720-2600 (Voice or TDD).

If you require information about this program, activity, or facility in a language other than English, contact the USDA agency responsible for the program or activity, or any USDA office toll-free at (866) 632-9992.

To file a complaint alleging discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410 or call toll-free (866) 632-9992 (Voice). TDD users contact USDA through local relay or the Federal Relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice users). USDA is an equal opportunity provider and employer.

B. OVERVIEW OF THE ELIGIBILITY DETERMINATION PROCESS

The components of the eligibility determination process and a brief description of each follow:

1. Application Process

This process determines initial eligibility for one or a combination of programs. Depending on the program or coverage group for which an individual applies, the process may involve an interview with a signed application, a signed mail-in application or submission of an online application using inROADS. See item K below for inROADS applications.

The application may be held, pending receipt of necessary information or verification, but there are processing time limits which must be met. All applications must have a final disposition and the client must be notified of the decision.

2. Redetermination Process

Periodic reviews of total eligibility for recipients are mandated by law. These are redeterminations and take place at specific intervals, depending on the Program or coverage group. Failure by the client to complete a redetermination usually results in ineligibility. If the client completes the redetermination process by the specified program deadlines and remains eligible, benefits must be uninterrupted and received at approximately the same time.

The redetermination process involves basically the same activities described in item 1 above. Data system changes and client notification of any changes resulting from the redetermination conclude the process.

3. Case Reviews And Case Maintenance

While a redetermination is a required periodic review of total eligibility, a review may be conducted at anytime on a single, or combination of questionable eligibility factor(s).

NOTE: Food Stamp recipients may be requested, but not required, to complete a face-to-face interview between redeterminations. See Section 2.2,B for an explanation of the procedure used when the Worker or Agency needs to clarify information received about the Food Stamp AG.

The case maintenance process may involve a review or activities that update the Department's information about the recipient's circumstances between the application and first redetermination and between redeterminations. Changes in eligibility or the benefit amount may occur. If so, data system action and client notification of any changes are required.

Some special situations may require a more formal review process. This may be a special procedure to target an error problem.

NOTE: Home visits for Food Stamp AG's may only be made on case-by-case basis and not because an AG fits an error prone or other profile.

NOTE: See Chapter 2 for detailed information regarding the case maintenance process.

4. Resource Development

Medicaid recipients are responsible for applying for and accepting alternative means of support. This is an eligibility requirement for this Program. See Chapter 5.

WV WORKS recipients are responsible for taking necessary steps to apply for alternate available resources. This resource development is part of the Personal Responsibility Contract. See Section 5.2 for details and exceptions.

Food Stamp recipients must be encouraged to take advantage of any potential resources that may be available, but failure to apply for or accept such benefits does not affect Food Stamp eligibility.

C. APPLICATION REGISTER AND OTHER COUNTY CONTROLS**1. Application Register**

Each local office must maintain a register of applications on Form ES-15, Application Log, or a similar method, containing at a minimum, the same information on the ES-15. The office may choose to have the application register maintained for the entire office or for each WV WORKS or Income Maintenance unit. If retained by each unit, copies of the registers must be compiled at the end of each month and stored together in one location.

2. Home Visit Register

The local office must devise a method to control and monitor inquiries and requests for applications which require a home visit. In addition, any home visit made must be shown on the log.

If any other registers or controls related to the application process are required, they are Program-specific and listed under each Program or coverage group.

The Worker, Supervisor, CSM or RD may establish any other registers necessary for the day-to-day operation of the local office.

D. WORKER RESPONSIBILITIES

The Worker has the following general responsibilities in the application process. Responsibilities that are Program- or coverage group-specific are found in the Program sections of this Chapter.

- Inform the client of the benefits the Department offers.
- Accept an application from any person or his representative who wishes to apply.
- Ensure the client is given the opportunity to apply for all of the Department's Programs on the date that he expresses an interest.
- Obtain all pertinent, necessary information through verification, when appropriate.
- Inform the client of his responsibilities, the process involved in establishing his eligibility, including the Department's processing time limits, and how the beginning date of eligibility is determined.

- Adhere to the Department's policies and procedures to establish eligibility, including those regarding timely action and/or decision.
- Assist the client in obtaining information required to establish his eligibility. When the Worker must make a collateral contact, such as an employer, the Worker must not disclose the client's status as an applicant/recipient of a Department program.
- Maintain the confidentiality of all information received from or about the client. When the Worker must make a collateral contact, such as with a client's employer, the Worker must not disclose the client's status as an applicant/recipient of a Department program.

EXCEPTION: Staff must not initiate contact with law enforcement officials to disclose information regarding Food Stamp clients. However, **information pertaining to a Food Stamp client or member of his household may be provided when** written requests from federal, state or local law enforcement officers **are received on official department letterhead of the issuing law enforcement agency and verifies** that:

- The individual is fleeing to avoid prosecution, custody or confinement for a felony; or
- The individual is violating parole or probation; or
- The individual has information necessary for the officer to conduct an official duty related to either of the two statements immediately above.

The Worker provides only the individual's last known address and SSN and, if available, a photograph of any member of the individual's household. It is the responsibility of the CSM to review and approve the release of all such information. **If a written request for information is questionable, the Supervisor or CSM must contact the DFA Economic Services Policy Unit for assistance. Additional guidance on releasing confidential information is outlined in the DHHR Common Chapters Sections 200 - 260.**

NOTE: In all situations where case information is released to another organization or agency, the information must have form OFS-CI-1 attached.

When the client discloses a domestic violence situation, extreme caution must be taken to safeguard any information about the individual's location or living situation. The Worker must not contact the individual named as the abuser or his relatives or friends for any information or verification required from the client. The RAPIDS case must be coded with the domestic violence indicator to alert all who access the case about the client's situation. The indicator is coded on ANDA with either of the following:

DA-Domestic Violence Disclosed - Referral Accepted

DR-Domestic Violence Disclosed - Referral Refused

The codes indicate disclosure of domestic violence and whether or not the client accepted a referral to a community domestic violence agency. See Section 13.8,G.

- Notify the client of the eligibility decision as soon as possible, but at least within the processing time frames for each Program or coverage group.
- Ensure that copies of all pertinent information are placed in the client's case record or given to appropriate staff to file.

NOTE: Copies of any information which involve a domestic violence situation must never be placed in the case record to insure the safety of the client and to insure that the alleged abuser does not gain access to information which may compromise the safety of the client. If it is necessary to maintain records for the purpose of documentation of the situation for a WV WORKS temporary exemption from work requirements, the information must be maintained in a separate file which is secured and available only to Supervisors. Information maintained in a separate file regarding domestic violence may be presented as evidence at a Fair Hearing, so long as the client agrees to use of the information for such purpose.

- Ensure that proper case recordings are made to document the Worker's actions and the reason for such actions.

NOTE: Information about a domestic violence situation or the whereabouts of an individual or family who has left a domestic violence situation for a safer residence must never be recorded in the case record in order to insure the safety of the individual or family. If it is necessary to