
Specific WV WORKS, AFDC and
AFDC – Related Medicaid Requirements

The extension remains in effect for up to 6 months. The Worker is responsible for monitoring the attendance of the participant during the extension period. Should their enrollment end, the Worker must send notification and close the WV WORKS benefit.

To be eligible for an extension when there are two parents in the household, each parent must meet the requirements under one of the requirements of an extension criteria outlined in this chapter.

7. Agency Error

The 60-Month Extension Committee only may approve an extension based on agency error if during the extension request process either the local office or the 60-Month Extension Committee does not act in a timely manner. This must occur between months 55 through 60. No repayment required if extension is not approved. This extension is limited to three months.

8. Vance v. Nusbaum

The Vance v. Nusbaum Court Order was based on the Agreed Order entered March 10, 2004. It directed that all WV WORKS recipients who had reached 60 month TANF limits, prior to April 1, 2004, whose case had been sanctioned during that 60 month period were sent a notice in November 2004 advising them of the opportunity to request a review of any sanction that was applied over the life of their case. Clients were given a 60 day period to request a review of any sanction they believed was unfairly applied due to an existing physical or mental illness or learning disability recognized under the Americans with Disabilities Act (ADA). These 60 month reviews were completed and all clients notified of the decisions by May 2005. Due to time limits imposed by the Court Order, extensions are no longer granted under this provision.

D. FORMAL CASE REVIEW IN 55TH MONTH

After a client has received WV WORKS for 55 months, a formal case review must be conducted. The purpose of this review is to assess the progress of the household members towards achieving self-sufficiency and to determine what activities the client needs to complete during the remaining months of WV WORKS eligibility. This review is not discretionary. Scheduling the review is mandatory. Attendance at this conference should be included as an item on the last revision of the **SSP** completed before the meeting would normally be scheduled. The Worker must schedule the review by issuing a letter to the client.

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The client also has the right to a Fair Hearing when the reconsideration results in denial of an extension. The Hearings Officer may rule that the extension was denied in error and instruct the local office to extend benefits or reopen the case for the appropriate extension period.