

#### 4. Right To Voter Registration Services

The National Voter Registration Act of 1993 (NVRA), also known as the Motor Voter Act, is a federal civil rights law that requires public assistance agencies to provide voter registration services. A voter registration application and declination form must be provided at any point a client engages in an application, recertification, or reports a change of address in conjunction with benefits. When an application, recertification or change of address is submitted via any method other than a face-to-face contact with a Worker, a voter registration application and a declination form must be mailed to the client.

West Virginia election laws require that the Department of Health and Human Resource offices provide voter registration services in conjunction with the following benefits:

- WV WORKS
- SNAP
- Low-Income Energy Assistance Program
- Medicaid

**NOTE:** When an individual who applied for Medicaid through the Marketplace expresses to the Department an interest in voter registration, the Worker must provide a voter registration application and a declination form if the inquirer decides not to register.

Workers must provide the same level of assistance with voter registration applications as they would with any other agency form or service. This includes reviewing the voter registration application to ensure all required fields are completed and answering any questions the client may have. Workers must submit all completed declination forms, including those marked “yes”, “no”, or those left blank by the client, and voter registration applications to their county NVRA Coordinator.

See Appendices F & G for Worker and County Coordinator responsibilities.

The Bureau for Children and Families (BCF) State Coordinator shall oversee reporting and compliance of voter registration services. A list of responsibilities assumed by the BCF State Coordinator may be found in Appendix H.

The BCF State Coordinator may be contacted at (304) 356-4619.

#### 5. Right to Fair and Equitable Treatment of Applicants and Recipients

##### a. Introduction

## Application/Redetermination Process

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 Resource prohibits discrimination against its customers on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

- 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 and Nutrition Act of 2008
- 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

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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.

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
  1. Attempt to locate free certified sign language interpreters in the community in advance.
  2. Contact the Commission for the Deaf and Hard of Hearing in advance to locate names and numbers of local interpreters (if any).

3. Contact the current contract holder for language translation and interpreter services.

- Visual Impairment Services

All general public information should be made available in accessible formats such as large print, audio, 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

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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 **bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program or protected genetic information in employment or in any program or activity conducted or funded by the Department, has a right to file a complaint. (Not all prohibited bases will apply to all programs and/or employment activities.)** This complaint can be filed by the individual or his representative.

Procedures to file a complaint are:

The individual may make the complaint using the Civil Rights Discrimination Complaint 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.

Employee Management  
DHHR Equal Employment Opportunity (EEO) Officer  
One Davis Square, Suite 400  
Charleston, West Virginia 25301

For SNAP 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 **Adjudication**  
1400 Independence Ave SW  
Washington, DC 20250-9410  
(800) 632-9992

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The individual may also file a Civil Rights program complaint of discrimination with USDA by completing the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or by calling (866) 632-9992 to request the form.

The individual may write a letter containing all of the information requested in the form. Send the completed complaint form or letter by mail to: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov)

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5689, which is also in Spanish or call the State Information/Hotline Numbers (click the link for a listing of hotline numbers by State); found online at [http://www.fns.usda.gov/snap/contact\\_info/hotlines.htm](http://www.fns.usda.gov/snap/contact_info/hotlines.htm).

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

Health and Human Services  
Office for Civil Rights  
U.S. Department of Health & Human Services  
Room 515-F  
200 Independence Avenue, S.W.  
Washington, D.C. 20201  
Or call (202) 619-0403 (voice) or  
(800) 537-7697 (TTY)

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

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Each complaint received must be investigated and corrective action taken, if appropriate. The investigations and corrective actions are handled in conjunction with DHHR's EEO 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 SNAP 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:

The U.S. Department of Agriculture also prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If an individual wishes to file a Civil Rights program complaint of discrimination with USDA, they can complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or by calling (866) 632-9992 to request the form. The individual may write a letter containing all of the information requested in the form. Send the completed complaint form or letter by mail to: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

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USDA is an equal opportunity provider and employers.

## 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 application may be submitted by mail, phone, electronically, Marketplace, inROADS, in person, or receipt of an application through the SSA's data exchange. See K below for inROADS applications.

**NOTE:** Insurance Affordability programs may apply by a Single-Streamlined Application (SLA).

Certain programs, such as CDCS, I/DD, TBI and HCB Waiver, require a medical and/or other determination by a community agency or government division other than DFA and a financial determination by an Income Maintenance Worker. When an applicant's medical eligibility for, or enrollment in, these programs is pending, he must not be refused the right to apply, but must be evaluated for any or all DFA programs.

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 Application Process 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 any time on a single, or combination of questionable eligibility factor(s).

**NOTE:** SNAP recipients may be requested, but not required, to complete a face-to-face interview between redeterminations. See Section 2.2 for an explanation of the procedure used when the Worker or Agency needs to clarify information received about the SNAP 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 SNAP AG's may only be made on case-by-case basis and not because an AG fits an error prone or other profile.

### 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.

SNAP 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 SNAP eligibility.

## C. APPLICATION REGISTER AND OTHER COUNTY CONTROLS

### 1. Application Register

Each local office must maintain a register of applications received by the Department on Form DFA-15, Application Log, or a similar method, containing at a minimum, the same information on the DFA-15. The office

may choose to have the application register maintained for the entire office or 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 or coverage-group specific and listed with the program or 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.

- When the Worker has access to the applicant, he must inform him of Department benefits, and providing SSN's for non-applicants is not required but will be used to facilitate enrollment in insurance affordability programs for verification of financial information.
- Accept an application from any person or his representative who wishes to apply.

**NOTE:** Certain programs, such as CDCS, I/DD, TBI and HCB Waiver, require a medical and/or other determination by a community agency or government division other than DFA and a financial determination by an Income Maintenance Worker. When an applicant's medical eligibility for, or enrollment in, these programs is pending, he must not be refused the right to apply, but must be evaluated for any or all DFA programs.

- 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.