



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL

Bill J. Crouch  
Cabinet Secretary

Board of Review  
PO Box 1247  
433 Mid Atlantic Parkway  
Martinsburg, West Virginia 25402

M. Katherine Lawson  
Inspector General

August 14, 2018

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 18-BOR-1886

Dear [REDACTED]:

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Lori Woodward  
State Hearing Officer  
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision  
Form IG-BR-29

cc: Kimberly Perrine, WV DHHR, CCRC

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
BOARD OF REVIEW

██████████,

Appellant,

v.

Action Number: 18-BOR-1886

WEST VIRGINIA DEPARTMENT OF  
HEALTH AND HUMAN RESOURCES,

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████ ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' (WV DHHR) Common Chapters Manual. This fair hearing convened on August 8, 2018, on an appeal filed June 13, 2018.

The matter before the Board of Review arises from the decision by the Respondent to deny Child Care services.

At the hearing, the Respondent appeared by Kimberly Perrine with Mount Heart Child Care Resource Center (CCRC). The Appellant appeared *pro se*. Appearing as witness for the Appellant was ██████████. The witnesses were sworn, and the following documents were admitted into evidence.

**Department's Exhibits:**

D-1 Record of Client Hours & Receipts, January 1, 2018 through June 30, 2018

**Appellant's Exhibits:**

A-1 ██████████ Hours Worked for ██████████ 2018 and 2017

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

## FINDINGS OF FACT

- 1) The Appellant applied for Child Care services on May 31, 2018.
- 2) The Appellant has been self-employed providing care to a disabled family since 2015.
- 3) Because the Appellant is self-employed, the Respondent required her to submit her business ledger to verify her income and activity.
- 4) The Appellant submitted her business ledger which showed the Appellant only had three (3) weeks of meeting her activity requirement from January 1, 2018 to May 31, 2018.
- 5) The Respondent considered the three (3) months previous to the Appellant's application which showed a total of 49.50 hours of work activity for the month of March, 80.75 hours of activity for the month of April, and 77.50 hours of work activity for the month of May.
- 6) Because the Appellant was not engaged in a qualified activity for twenty (20) hours per week, the Respondent denied the Appellant's application for Child Care services.

## APPLICABLE POLICY

Child Care Subsidy Policy & Procedures Manual (CCSP) §3.03.0, *Family Eligibility*, explains that in order to be eligible for child care services, the family must verify the identity of the head of household, meet WV residency requirements, income requirements, and activity requirements. A child must meet age and WV residency requirements, need child care for a portion of the day, and reside with the head of household applying for services.

CCSP §3.6.1, requires working recipients work at least 20 hours per week. If the recipient is not working at least 20 hours per week, the recipient will not be eligible for child care services.

CCSP §3.6.4.3 specifically excludes for child care those students enrolled only in web-based courses. Students enrolled in a mixture of in-person and web-based courses will be eligible for care if they meet the credit hour requirements specified in CCSP §§3.6.4.1 and 3.6.4.2. Students enrolled in correspondence only courses also are not eligible for services.

CCSP §4.0, *Need for Child Care*, states in part, that to be eligible for child care assistance, families must demonstrate a need for care. In general, that means that the head of household must be involved in a qualifying activity that prevents the parent from providing care and supervision of the children in the household during the time the parent is participating in the activity. If there are two parents in the home, both must be involved in a qualifying activity. It is possible for a parent to meet all other eligibility requirements, but not demonstrate a need for care. For example, if the household consists of a single father and his two school age children, and he only participates in his qualifying activity during the times the children are in school, the family does not demonstrate a need for care.

CCSP §4.3.6.2, requires that self-employed parents participate in an activity a minimum average of 20 hours per week and show an income of at least minimum wage per hour.

CCSP §5.2.2.1, *Methods of Verification*, states that:

- A. Self Employed clients with prior established self-employment and those who have successfully passed their Launch and Grace Periods must turn in tax records to the R&R by April 30 of each year to verify that the business is producing taxable income at the time of assistance.
- B. Self Employed clients will be given the Self Employment Ledger form (ECE-CC-1C) to track Income and Expenses.
- C. Clients who choose not to use the ECE-CC-1C Form may substitute:
  - 1.) Business records from an outside accountant or
  - 2.) Ledger Books or other bookkeeping records, such as Quicken Software reports.
- D. The R&R reserves the right to request additional documentation, such as receipts or invoices as needed to verify income and expenses.
- E. The gross income from self-employment business activity shall be used to determine eligibility and amount of assistance if the information submitted by the parent is not sufficient to adequately determine net profit.

## **DISCUSSION**

The Respondent denied the Appellant's application for Child Care services. The denial was based upon the Appellant not meeting the minimum amount of a qualified activity required for benefit eligibility.

The Appellant has been self-employed providing care to a disabled family since 2015. The Respondent's representative testified that because the Appellant was self-employed, she was required to submit her business ledgers showing her income. The Appellant's business ledgers showed she did not meet any of the required 20 hours of work per week for the first quarter of 2018 and only three weeks out of 10 weeks of the second quarter. The Respondent's representative testified that she considered the three months previous to the Appellant's application on May 31, 2018, which showed that the Appellant worked a total of 49.50 hours for the month of March, 80.75 hours for the month of April, and 77.50 hours for the month of May 2018. Although the Respondent's representative found that the Appellant was income eligible, she did not meet the minimum activity requirement for eligibility. Therefore, the Appellant's application was denied.

The Appellant averred that consideration should have been made for various issues that arose in the three months which were being considered for qualifying activities. The Appellant stated she applies for the Child Care services when her school-aged children are out of school for the summer. During the school year, she works when they are in school. However, during the months being evaluated, she testified that she was unable to work due to school closures, doctor appointments, and illnesses. Additionally, the Appellant believed that because she was enrolled in on-line classes, those hours should have been considered as a qualifying activity. The Respondent's representative stated that there are no exceptions in Child Care policy which provides for the activity credits the Appellant is requesting. With regard to the classes the Appellant had been

enrolled, per policy, they cannot be considered as a qualifying activity because they were all on-line or web-based.

The Respondent was correct to deny the Appellant's application for not participating a minimum of 20 hours per week of a qualified activity.

### **CONCLUSIONS OF LAW**

- 1) Eligibility for Child Care services requires that the family verify income requirements and activity requirements.
- 2) To show a need for Child Care services, a self-employed individual must show participation of at least twenty (20) hours per week of a qualifying activity.
- 3) The Appellant submitted her business ledgers for 2018, which only showed participation in at least 20 hours of a qualified activity for three (3) weeks from January 1, 2018 to May 31, 2018.
- 4) The Appellant did not meet the twenty (20) hours per week of a qualifying activity.
- 5) The Appellant's on-line, or web-based classes do not qualify as an activity for benefit eligibility.
- 6) The Respondent correctly denied the Appellant's application for Child Care services.

### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to deny the Appellant's application for Child Care services.

**ENTERED this 14<sup>th</sup> day of August 2018.**

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**Lori Woodward, State Hearing Officer**