



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

Bill J. Crouch  
Cabinet Secretary

Board of Review  
State Capitol Complex  
Building 6, Room 817-B  
Charleston, West Virginia 25305  
Telephone: (304) 558-0955 Fax: (304) 558-1992

Jolynn Marra  
Interim Inspector General

September 25, 2018



RE: [REDACTED] v. WV DHHR  
ACTION NO.: 18-BOR-1946

Dear Ms. [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,

Todd Thornton  
State Hearing Officer  
Member, State Board of Review

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

cc: Lorie Wallace, DHHR / Ashley McDougal, DHHR

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
BOARD OF REVIEW

██████████,

Appellant,

v.

Action Number: 18-BOR-1946

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 was convened on July 24, 2018, on an appeal filed June 29, 2018.

The matter before the Hearing Officer arises from the June 27, 2018 decision by the Respondent to terminate the Appellant's Child Care services for failure to provide required verifications.

At the hearing, the Respondent appeared by Ashley McDougal and Lorie Wallace. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**EXHIBITS**

**Department's Exhibits:**

- D-1            New Employment Verification Form  
                  Date: April 23, 2018
  
- D-2            Child Care Subsidy Policy Manual  
                  Chapter 4 (excerpt)
  
- D-3            Child Care Subsidy Policy Manual  
                  Chapter 5 (excerpt)

- D-4 Child Care Parent Notification Letter of Denial or Closure  
Date of notice: June 12, 2018
- D-5 Provider Notification Letter – Parent’s Eligibility for Child Care  
Date of notice: June 12, 2018
- D-6 Pay stub from the Appellant  
Pay date: June 15, 2018
- D-7 Client Contact Report  
Entry date: June 19, 2018
- D-8 Correspondence from Appellant  
Date: June 25, 2018
- D-9 Email chain between Lorie Wallace and Denise Richmond  
Date: June 27, 2018
- D-10 Child Care Notification Letter Notice of Denial or Closure  
Date of notice: June 27, 2018

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 was a recipient of Child Care services.
- 2) The Appellant verified the onset of new employment income using a New Employment Verification Form (Exhibit D-1), dated April 23, 2018.
- 3) This form (Exhibit D-1) advised the Appellant that “Once the applicant has received one month’s worth of pay stubs, copies must be given to the agency.”
- 4) By notice dated June 12, 2018, the Respondent reminded the Appellant of this requirement. The notice requested the Appellant provide “one month’s pay stubs clearly showing gross income, deductions and net pay” prior to June 25, 2018, “or your case will be closed that day.” (Exhibit D-4)
- 5) The Appellant did not provide income verification by the established deadline. Income verification provided after the deadline (Exhibit D-6) reflected pay in the pay period from May 26, 2018, to June 8, 2018 – less than the one-month period requested by the Respondent.

- 6) By notice dated June 27, 2018, the Respondent advised the Appellant that her Child Care services would be terminated because, “You have failed to provide verification of a month’s worth of pay stubs for [REDACTED] as required.” (Exhibit D-2)

### **APPLICABLE POLICY**

Child Care policy requires a determination of financial eligibility for new applicants and recipients. This policy requires applicants to demonstrate a need for care. (Child Care Subsidy Policy, Chapter 4, §4.0)

When this need for care stems from new employment, applicants must verify the employment using the New Employment Verification Form. When this form is used, the child care client “must submit one month’s worth of check stubs to the agency as soon as they are received. Failure to supply follow up check stubs will result in case closure.” (Child Care Subsidy Policy, Chapter 4, §4.1.1.2)

The use of the New Employment Verification Form and the requirement for follow-up income verification is mirrored in the Child Care policy section addressing income verification. (Child Care Subsidy Policy, Chapter 5, §5.2.1.2)

### **DISCUSSION**

The Respondent terminated the Child Care services of the Appellant based on failure to provide required verifications. The Respondent must show by a preponderance of the evidence that the Appellant did not provide one month’s worth of pay stubs for income and activity verification.

The Respondent clearly showed that the Appellant did not meet this requirement. The Appellant used a form to verify the onset of new employment income. This form advised the Appellant of this requirement and a notice was issued (Exhibit D-4) to remind her of the requirement and to set a deadline for compliance. The Appellant did not meet this deadline and provided insufficient verification after the deadline. The Appellant contended that she was orally advised that she would not need to provide additional verification. The Appellant explained that she destroyed the necessary income verification because of prior identity theft and was unable to comply with the requirement for this reason. Child Care policy does not provide exceptions to the income or activity verification requirements for the Appellant’s stated reasons.

The Respondent acted correctly in terminating the child care services of the Appellant for failure to provide required verifications.

### **CONCLUSION OF LAW**

Because the Appellant failed to provide the supplemental income verification required in new employment scenarios by Child Care policy, the Respondent was correct to terminate the Appellant’s Child Care services.

**DECISION**

It is the decision of the State Hearing Officer to **uphold** the action of the Respondent to terminate the Appellant's Child Care services for failure to provide required verifications.

**ENTERED this \_\_\_\_ Day of September 2018.**

---

**Todd Thornton  
State Hearing Officer**