



**State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
4190 Washington Street West
Charleston, WV 25313**

**Joe Manchin III
Governor**

**Martha Yeager Walker
Secretary**

November 21, 2006

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held November 16, 2006. Your hearing request was based on the Department of Health and Human Resources' action to pursue a West Virginia Works overpayment.

In arriving at a decision, the State Hearings 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.

Eligibility for the West Virginia Works Program is based on current policy and regulations. Some of these regulations state as follows:

When an AG has received more cash assistance than it was entitled to receive, corrective action is taken by establishing a claim for the overpayment. The claim is the difference between the amount of benefits received and the amount of benefits to which the AG was entitled. (WVIMM 20.3 CASH ASSISTANCE CLAIMS AND REPAYMENT PROCEDURES).

The information submitted at your hearing revealed: (1) You signed a repayment agreement on October 17, 1996 to repay \$118.00 in over issued West Virginia Works Benefits; (2) The Department issued a demand payment letter on August 2, 2006, regarding your failure to make a payment on the West Virginia Works claim and finally; (3) You could not verify any payments made on the claim.

It is the decision of the State Hearings Officer to UPHOLD the ACTION of the Department to pursue the West Virginia Works overpayment.

Sincerely,

Ray B. Woods, Jr., M.L.S.
State Hearing Officer
Member, State Board of Review

cc: State Board of Review
Mrs. Debbie Roberts, Repayments Investigator

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES
BOARD OF REVIEW**

_____,
Claimant,

v.

Action Number: 06-BOR-2796

**West Virginia Department of
Health and Human Resources,**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on November 21, 2006 for Ms. _____. This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on November 16, 2006 on a timely appeal filed August 22, 2006.

It should be noted here that the Claimant is not an active recipient of Departmental benefits. A pre-hearing conference was held between the parties prior to the hearing, and the issue could not be resolved. The Claimant said she had an attorney but was not going to pay him to attend the hearing.

II. PROGRAM PURPOSE:

The Program entitled West Virginia Works is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

WV Works was created by Senate Bill 140, Article 9 of the West Virginia Code and the Temporary Assistance to needy Families Block Grant, Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The purpose of WV Works is to provide assistance to needy families with children so they can be cared for in their own home, reduce dependency by promoting job preparation, work and marriage. The goals of WV Works are to achieve more efficient and effective use of public assistance funds, reduce dependence on public programs by promoting self-sufficiency and structure the assistance programs to emphasize employment and personal responsibility.

III. PARTICIPANTS:

_____, Claimant

Debbie Roberts, Repayment Investigator – DHHR/OIG

Presiding at the Hearing was, Ray B. Woods, Jr., M.L.S., State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is: Does Ms. _____ owe a repayment for over issued West Virginia Works benefits?

V. APPLICABLE POLICY:

WVIMM 20.3 CASH ASSISTANCE CLAIMS AND REPAYMENT PROCEDURES

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

D-1 Letter dated 08/02/06

D-2 Repayment Letter dated 09/26/96

D-3 Repayment Agreement dated 10/17/96

D-4 WVIMM 20.3 CASH ASSISTANCE CLAIMS AND REPAYMENT PROCEDURES

Claimants' Exhibits:

None

VII. FINDINGS OF FACT:

1. The Claimant received a demand payment letter from the Repayment Investigator dated August 2, 2006 (Exhibit D-1). The letter stated that the Claimant failed to make a payment on her West Virginia Works claim. The balance is \$118.00.
2. A letter was sent to the Claimant September 26, 1996 to come to the office and discuss the over payment (Exhibit D-2).
3. The Claimant signed a Repayment Agreement on October 17, 1996 to repay the \$118.00 West Virginia Works claim (Exhibit D-3).
4. The Claimant has never paid the \$118.00 West Virginia Works claim.
5. West Virginia Income Maintenance Manual 20.3 CASH ASSISTANCE CLAIMS AND REPAYMENT PROCEDURES states in part:

Repayment is pursued for cash assistance overpayments made under the former AFDC/U Program, WV WORKS, CSI, the former TANF Program, WV WORKS School Clothing Allowance, and the West Virginia School Clothing Allowance.

EXCEPTION: DCA and EA overpayments are not subject to repayment, unless fraud is established.

The establishment, notification and collection of cash assistance claims are the responsibility of the Claims and Collections Unit, IFM.

When an AG has received more cash assistance than it was entitled to receive, corrective action is taken by establishing a claim for the overpayment. The claim is the difference between the amount of benefits received and the amount of benefits to which the AG was entitled. The policy by which cash assistance claims are referred, established, collected and maintained follows.

NOTE: Referrals must be made for all overpayments, regardless of the dollar amount. However, IFM does not write claims for under \$100 unless there is a liable debtor approved for cash assistance at the time the claim is processed. Claims under \$100 are written and collected by check reduction.

Once the claim is established, there are no hardship provisions or exceptions which delay, suspend or terminate efforts to collect the claim.

VIII. CONCLUSIONS OF LAW:

1. WVIMM 20.3 CASH ASSISTANCE CLAIMS AND REPAYMENT PROCEDURES states in part:

When an AG has received more cash assistance than it was entitled to receive, corrective action is taken by establishing a claim for the overpayment. The claim is the difference between the amount of benefits received and the amount of benefits to which the AG was entitled.

2. The Claimant signed a Repayment Agreement on October 17, 1996 to repay the \$118.00 West Virginia Works claim;
3. The Claimant has never paid the \$118.00 West Virginia Works claim.

IX. DECISION:

It is the decision of this State Hearing Officer to UPHOLD the ACTION of the Department to pursue the West Virginia Works repayment.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 21st Day of November, 2006.

Ray B. Woods, Jr., M.L.S.
State Hearing Officer