



**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

February 10, 2006

Mr. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Mr. \_\_\_\_\_:

Attached is a copy of the findings of fact and conclusions of law on your hearing held February 10, 2006. Your hearing request was based on the Department of Health and Human Resources' proposal to terminate your West Virginia Works Benefits, due to a 3<sup>rd</sup> Personal Responsibility Contract (PRC) sanction.

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: Failure, without good cause, to adhere to the responsibilities or any tasks listed on the PRC after signature, results in imposition of a sanction against the AG. No sanction may be imposed for failing to adhere to any provision that is not specifically addressed on the PRC at the time the failure occurred. (West Virginia Income Maintenance Manual Section 1.25 T PERSONAL RESPONSIBILITY CONTRACT (PRC)).

The information submitted at your hearing revealed: You failed to comply with the terms of your Personal Responsibility Contract.

It is the decision of the State Hearings Officer to uphold the proposal of the Department to terminate your West Virginia Works benefits.

Sincerely,

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

cc: Erika H. Young, Chairman, Board of Review  
Sandra L. Lorrison, FSS

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

\_\_\_\_\_,  
**Claimant,**

**v.**

**Action Number: 05-BOR-7230**

**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 February 10, 2006 for Mr. \_\_\_\_\_. 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 February 10, 2006 on a timely appeal filed January 4, 2006.

It should be noted here that the claimant's WV WORKS Benefits were continued during the fair hearing process. A pre-hearing conference was held between the parties prior to the fair hearing and; Mr. \_\_\_\_\_ did not have an Attorney working with him in this particular matter.

**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

Sandra L Lorrison, Family Support Specialist – \_\_\_\_\_ District DHHR

Brenda Toppings, West Virginia Works Supervisor – \_\_\_\_\_ District DHHR

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: Did Mr. \_\_\_\_\_ comply with the requirements of his Personal Responsibility Contract?

### **V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual Chapter 1.25 T PERSONAL RESPONSIBILITY CONTRACT (PRC); Chapter 5.2 B WV WORKS and; Chapter 13.9 (A) DEFINITION OF A SANCTION

### **VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

#### **Department's Exhibits:**

- D-1 Hearing Summary
- D-2 Self-Sufficiency Plan dated 11/28/05
- D-3 WVIMM 5.2 B WV WORKS
- D-4 WVIMM 13.9 WV WORKS SANCTIONS
- D-5 WVIMM 1.25 T Personal Responsibility Contract (PRC)
- D-6 Case Comments 11/28/05 – 12/23/05
- D-7 Miscellaneous Hearing Documents

#### **Claimants' Exhibits:**

None

### **VII. FINDINGS OF FACT:**

1) The Clients have received 58 months of their 60 month lifetime limit of TANF benefits. The current sanction is their 3rd subsequent sanction since September of 1999 for failure to participate with Works Programs, failure to attend assigned activities and failure to complete assignments.

2) At this time, Mr. \_\_\_\_\_ is claiming to be disabled according to the PRC dated November 28, 2005 (**Exhibit D-2**). Mr. \_\_\_\_\_ agreed to verify his appeal for SSI with Ms.

Sandra L. Lorrison, by December 12, 2005. Mr. \_\_\_\_\_'s failure to comply with his PRC has resulted in this subsequent 3rd sanction.

3) Chapter 5.2 B of the WV Income Maintenance Manual (**Exhibit D-3**) states in part:

While WV WORKS clients are expected to take necessary steps to develop resources which may be available to them, the development of such resources is part of the Personal Responsibility Contract (PRC).

4) The verification of the SSI appeal was not received. This was also verified by the Social Security Screen (SOLQ). Ms. Lorrison then entered a subsequent 3<sup>rd</sup> sanction (**Exhibit D-6**).

5) A Good Cause appointment was set for December 13, 2005 at 10:30 a. m. at the [REDACTED] District DHHR Office.

6) Chapter 13.9 of the WV Income Maintenance Manual (**Exhibit D-4**) states in part:

When a member of the AG does not comply with requirements on his PRC, a sanction must be imposed unless the Worker determines that good cause exists. 3rd offense and all subsequent offenses results in ineligibility for cash assistance for 3 months or until compliance, whichever is later.

7) Chapter 1.25 T of the WV Income Maintenance Manual (**Exhibit D-5**) states in part:

Failure, without good cause, to adhere to the responsibilities or any Tasks listed on the PRC after signature, results in imposition of a sanction against the AG.

8) Mr. \_\_\_\_\_ did not show for his Good Cause appointment. However, he did call later in the day. Ms. Lorrison informed him that she would need a statement by the end of business from his attorney, stating Mr. \_\_\_\_\_ was pursuing his SSI claim. If the statement was not received, then the sanction would stand. Mr. \_\_\_\_\_ did not provide the requested information and the sanction was not lifted.

9) According to Mr. \_\_\_\_\_'s testimony, he was not going to secure a statement from his attorney until all the medical documents were received. Mr. \_\_\_\_\_ verified his signature on the PRC dated November 28, 2005 and, understood its requirements.

## **VIII. CONCLUSIONS OF LAW:**

1) Failure, without good cause, to adhere to the responsibilities or any tasks listed on the PRC after signature, results in imposition of a sanction against the AG. No sanction may be imposed for failing to adhere to any provision that is not specifically addressed on the PRC at the time the failure occurred.

Mr. \_\_\_\_\_ did not attend the scheduled Good Cause appointment to discuss compliance with his Personal Responsibility Contract.

2) Once a sanction has been imposed, it cannot be stopped until the appropriate time has elapsed or the appropriate action is taken, whichever is later. A 3rd Offense and All Subsequent Offenses = Ineligibility for cash assistance for 3 months or until compliance, whichever is later.

The current sanction is Mr. \_\_\_\_\_'s 3rd subsequent sanction since September of 1999 for failure to participate with Works Programs, failure to attend assigned activities and failure to complete assignments.

3) Mr. \_\_\_\_\_ is not in compliance with the West Virginia Works Policy.

**IX. DECISION:**

It is the decision of this State Hearing Officer to **UPHOLD** the **PROPOSAL** of the Department to terminate Mr. \_\_\_\_\_'s West Virginia Works benefits.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 10th Day of February, 2006**

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