



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

June 25, 2007

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held June 19, 2007. Your hearing request was based on the Department of Health and Human Resources' action to impose 2nd and 3rd level West Virginia Works sanctions. Your Food Stamp and Medicaid cases were closed for failing to verify household composition.

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, Food Stamps and Medicaid Programs are 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 primary responsibility for providing verification rests with the client. Failure of the client to provide necessary information or to sign authorizations for release of information, results in denial of the application or closure of the active case, provided the client has access to such information and is physically and mentally able to provide it. (West Virginia Income Maintenance Manual Section 4.1A CLIENT RESPONSIBILITY).

The information submitted at your hearing revealed: You failed to comply with the terms of your Personal Responsibility Contract, and failed to provide requested information to determine your eligibility for continued benefits.

It is the decision of the State Hearings Officer to uphold the action of the Department to impose the West Virginia Works sanction, and close the Food Stamp and Medicaid cases.

Sincerely,

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

cc: State Board of Review
Ms. Alice Kayrouz, Hearings Representative

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

_____,
Claimant,

v.

**Action Number: 07-BOR-1513 – West Virginia Works
 07-BOR-1514 – Food Stamp Program
 07-BOR-1515 – Medicaid**

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

Respondent.

DECISION OF THE STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on June 25, 2007 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 June 19, 2007 on a timely appeal filed May 21, 2007.

It should be noted here that the Claimant was not receiving West Virginia Works, Food Stamp and Medicaid Benefits during the fair hearing process. A pre-hearing conference was held between the parties prior to the fair hearing; and the Claimant did not have an Attorney working with her in this particular matter.

II. PROGRAM PURPOSE:

The Programs entitled West Virginia Works, Food Stamps and Medicaid are 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.

The purpose of the Food Stamp Program is to provide an effective means of utilizing the nation's abundance of food "to safeguard the health and well-being of the nation's population and raise levels of nutrition among low-income households." This is accomplished through the issuance of EBT benefits to households who meet the eligibility criteria established by the Food and Nutrition Service of the U.S. Department of Agriculture.

The Aid to Families with Dependent Children (AFDC, AFDCU for unemployed parents) Medicaid Program is designed to provide medical assistance to eligible families with children to age 18. These dependent children must be deprived of parental support due to the death, continued absence, incapacity, or unemployment of the parents. In addition, the family must meet financial eligibility criteria.

III. PARTICIPANTS:

_____, Claimant

Alice Kayrouz, Family Support Specialist/ Hearings Representative – [REDACTED] District DHHR
Vicky Malone, Family Support Specialist [REDACTED] 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 the Claimant comply with the requirements of her Personal Responsibility Contract, and/or provide requested information?

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual (WVIMM) Chapter 1.25 T PERSONAL RESPONSIBILITY CONTRACT (PRC); Chapter 4.1 A CLIENT RESPONSIBILITY; and Chapter 13.9 (A) DEFINITION OF A SANCTION.

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing Summary Outline
- D-2 Personal Responsibility Contract (PRC) Part 1 & 2 dated 03/08/07
- D-3 Appointment Notice dated 04/24/07 – Child's Father
- D-4 Appointment Notice dated 04/24/07 – Claimant & Child's Father
- D-5 Verification Checklist dated 04/25/07 – Address & Claimant's Living Arrangements

- D-6 Verification Checklist dated 04/25/07 – Sign PRC, WV Works Orientation Form, Household Address & Claimant's Living Arrangement
- D-7 Notice of Decision dated 04/25/07 – 2nd WV Works Sanction
- D-8 Notice of Decision dated 05/17/07 – 3rd WV Works Sanction
- D-9 Notice of Decision dated 05/17/07 – Food Stamp Closure
- D-10 WVIMM Policy 1.25 T PERSONAL RESPONSIBILITY CONTRACT (PRC)
- D-11 WVIMM Policy 4.1 A CLIENT RESPONSIBILITY
- D-12 WVIMM Policy 13.9 WV WORKS SANCTIONS

Claimants' Exhibits:

None

VII. FINDINGS OF FACT:

- 1) The Claimant signed a Personal Responsibility Contract (PRC) on March 8, 2007 (Exhibit D-2).
- 2) The Claimant was required to keep all appointments, report changes timely, and take the TABE test on April 18, 2007.
- 3) The Claimant did not take the TABE test.
- 4) The Department received information that the Claimant child's father was living in the household, and this had not been reported to the Department.
- 5) A series of letters were issued to the Claimant and the child's father for appointments and information. (See Exhibits D- 3 - 6).
- 6) Neither the Claimant nor the child's father attended any of the scheduled appointments, or provided the requested information.
- 7) The Department issued a Notice of Decision on April 25, 2007 that placed a 2nd sanction on the household for failing to comply with the requirements of her PRC. The proposed action would decrease the Claimant's West Virginia Works benefits from \$257.00 to \$129.00. A Good Cause appointment was scheduled for May 8, 2007 to discuss the matter (Exhibit D-7).
- 8) The Claimant did not attend the Good Cause meeting, and the 2nd sanction remained in effect.
- 9) The Claimant testified at her fair hearing that she did not attend the May 8, 2007.
- 10) The Department issued a Notice of Decision on May 17, 2007 that placed a 3rd West Virginia Works sanction on the Claimant's household for failing to comply with the requirements of her PRC. The proposed action would close the case. A Good Cause appointment was scheduled for May 22, 2007 to discuss the matter (Exhibit D-8).

- 11) The Department issued a Notice of Decision on May 17, 2007 that would close the Food Stamp case at the end of May. The reason for the closure was based on the failure to provide household information (Exhibit D-9).
- 12) The Claimant did not attend the Good Cause meeting, and the 3rd sanction remained in effect.
- 13) Chapter 1.25 T of the WV Income Maintenance Manual states in part (Exhibit D-10):

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.
- 14) Chapter 4.1 A of the WV Income Maintenance Manual states in part (Exhibit D-11):

The primary responsibility for providing verification rests with the client. Failure of the client to provide necessary information or to sign authorizations for release of information, results in denial of the application or closure of the active case, provided the client has access to such information and is physically and mentally able to provide it.
- 15) Chapter 13.9 of the WV Income Maintenance Manual states in part (Exhibits D-12):

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.

VIII. CONCLUSIONS OF LAW:

- 1) Chapter 1.25 T of the WV Income Maintenance Manual states in part:

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.
- 2) The Claimant's West Virginia Works benefits were reduced after the 2nd sanction, and stopped after the 3rd sanction. The Food Stamp and Medicaid cases were also closed.
- 3) Chapter 4.1 A of the WV Income Maintenance Manual states in part: The primary responsibility for providing verification rests with the client.
- 4) The Claimant failed to provide necessary information to determine her eligibility for continued benefits.
- 5) Chapter 13.9 of the WV Income Maintenance Manual 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.

- 6) The Claimant did not provide Good Cause for failing to comply with the terms of her PRC, and is not in compliance with the West Virginia Works Policy.

IX. DECISION:

It is the decision of this State Hearing Officer to UPHOLD the ACTION of the Department to impose a West Virginia Works sanction for non compliance with the PRC, and closure of the Food Stamp and Medicaid cases.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 25th Day of June, 2007

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