



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
Post Office Box 2590  
Fairmont, WV 26555-2590

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

March 27, 2007

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held March 22, 2007. Your hearing request was based on the Department of Health and Human Resources' action to deny your application for benefits through the WV WORKS Program.

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.

Eligibility for the WV WORKS Program is based on current policy and regulations. Some of these regulations state that in order to receive cash assistance, you must have an eligible dependent child in the assistance group. {WV Income Maintenance Manual, Chapter 9.21 & 15.2}.

The information submitted at your hearing reveals that you do not have an eligible child in your home. Based on the evidence, you are not eligible to receive cash assistance through the WV WORKS program.

It is the decision of the State Hearing Officer to **uphold** the action of the Department in denying your application for benefits through the WV WORKS program.

Sincerely,

Thomas E. Arnett  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Melissa Barr, FSS, DHHR

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

**Claimant,**

**Action Number: 06-BOR-746**

**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 March 27, 2007 for \_\_\_\_\_. 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 March 22, 2007 on a timely appeal, filed February 7, 2007.

## II. PROGRAM PURPOSE:

The program entitled WV 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  
Melissa Barr, FSS, DHHR

Presiding at the Hearing was Thomas E. Arnett, State Hearing Officer and a member of the State Board of Review.

### **IV. QUESTIONS TO BE DECIDED:**

The question to be decided is whether the Department was correct in its action to deny the Claimant's application for benefits through the WV WORKS Program.

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

West Virginia Income Maintenance Manual, Chapter 15

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

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

- A. Common Application Form (CAF) dated 2/7/07
- B. Rights and Responsibilities dated 2/7/07
- C. Case Comments from 1/22/07
- D. Case Comments from 2/7/07
- E. Notice of Decision dated 2/8/07
- F. WVIMM Chapter 15.1
- G. WVIMM Chapter 15.2
- H. WVIMM Chapter 9.21

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

- 1) On February 7, 2007, the Claimant completed an application for WV WORKS (cash assistance) benefits. Exhibits A, B & D were submitted by the Department to show that the Claimant does not have a dependent child in his home.
- 2) On or about February 8, 2007, the Claimant was notified via a Notice of Decision that his February 7, 2007 application for Cash Assistance was denied. The reason for denial states – "There is no eligible child in the home."
- 3) The Department's representative cited Chapter 15 of the West Virginia Income Maintenance Manual and testified that the WV WORKS program is for families with dependent children. Because the Claimant does not have a dependant child in the home, he cannot qualify for cash assistance benefits through the WV WORKS Program.

- 4) The Claimant acknowledged that he does not have a dependent child in his care but contends that the policy is unfair and that he is being discriminated against because he does not have children.
- 5) The WV Income Maintenance Manual, Chapter 15.1 states - Temporary Assistance for Needy Families (TANF) and WV WORKS are both cash assistance programs funded under a block grant authorized by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). In West Virginia, these cash assistance programs replaced the Aid to Families with Dependent Children (AFDC), which included cash assistance to families of unemployed parents (AFDCU), on January 1, 1997. AFDC/U recipients were automatically eligible for Medicaid.
- 6) WV Income Maintenance Manual, Chapter 9.21 defines WV WORKS eligibility determination groups and who is required to be part of the Assistance Group (AG). According to this policy, the AG must include all minor, dependent, blood-related and adoptive siblings who live in the same household and are otherwise eligible and the parents(s) of the child(ren) identified when the parent(s) live with the child(ren).
- 7) Policy found in the WV Income Maintenance Manual, Chapter 15.2 provides the definition of a dependent child and states that in order to receive cash assistance children must be under the age of 18 whether or not they are attending school or training. However, a child over 18 may be included in the AG up to age 19 while he is a fulltime student in a secondary school and meets all other eligibility requirements. A child who reaches age 19 on the first day of the month is not eligible for that month.

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

- 1) Policy provides that as a condition of eligibility for the WV WORKS cash assistance program, there must be an eligible dependent child in the AG.
- 2) The evidence reveals that the Claimant does not have a dependent child in his home. The Claimant's appeal is based on his disagreement with policy. The Claimant indicated that he understands the program requirements and that he is not eligible according to the written policy, however, he believes that this policy is unfair to adults without children.
- 3) Based on the evidence, the Department has acted in accordance with the policy that governs the WV WORKS program.

#### **IX. DECISION:**

After reviewing the information presented during the hearing, and the applicable policy and regulations, I am ruling to **uphold** the action of the Agency in denying your application for benefits through the WV WORKS Program.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 27<sup>th</sup> Day of March, 2007.**

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**Thomas E. Arnett  
State Hearing Officer**