



**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**

March 13, 2007

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

Dear Ms. \_\_\_\_\_:

Attached is a copy of the findings of fact and conclusions of law on your hearing held March 13, 2007. Your hearing request was based on the Department of Health and Human Resources' proposal to impose a 3<sup>rd</sup> level West Virginia Works 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:

A single parent with a child under age 6 meets the work participation requirement by participating an average of 20 hours/week. (Chapter 24.3 (A) (1) (a) of the WV Income Maintenance Manual).

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 impose the sanction.

Sincerely,

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

cc: State Board of Review  
Ms. Alice Kayrouz, FSS

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

**Claimant,**

v. **Action Number: 07-BOR-781**

**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 March 13, 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 March 13, 2007 on a timely appeal filed February 16, 2007.

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 the Claimant did not have an Attorney working with her 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

Alice Kayrouz, 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?

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

WVIMM Policy 24.3 MINIMUM HOURS OF PARTICIPATION; 24.3 A (1) (a) PARENT OF A CHILD UNDER AGE 6; 24.4 (A) LOCAL OFFICE RESPONSIBILITIES IN THE WORK PROGRAM ASPECT OF WV WORKS; (C) (1) PARTICIPANT DOCUMENTATION

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

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

- D-1 Closure Letter dated 02/08/07
- D-2 Hearing Request dated 02/15/07
- D-3 Scheduling Notice dated 02/16/07
- D-4 Copy of Personal Responsibility Contract (PRC) dated 03/24/06
- D-5 Copy of Letter from [REDACTED] dated 01/11/07
- D-6 January 2007 Time Sheet
- D-7 WVIMM Policy 24.3 MINIMUM HOURS OF PARTICIPATION; 24.3 A (1) (a) PARENT OF A CHILD UNDER AGE 6; 24.4 (A) LOCAL OFFICE RESPONSIBILITIES IN THE WORK PROGRAM ASPECT OF WV WORKS; (C) (1) PARTICIPANT DOCUMENTATION

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

None

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

- 1) The Claimant completed a Personal Responsibility Contract on March 24, 2006 (Exhibit D-4). She was required to participate in several specific activities which included: completing 20 hours per week in a SPOKES class, and submitting timesheets by the 5<sup>th</sup> of each month.

- 2) The Department received a letter from the Claimant's Day Care Provider dated January 11, 2007 (Exhibit D-5). It referred to the Claimant's child being withdrawn from daycare, because of the parent's "insufficient days of attendance."
- 3) The Claimant was sanctioned on February 8, 2007 for failure to participate in work programs and failure to submit her January 2007 time sheet. This was her third sanction (Exhibit D-1).
- 4) A Good Cause appointment was scheduled for February 15, 2007.
- 5) The Claimant attended the appointment, and did not provide good cause for failing to comply with her PRC.
- 6) The Department maintained the sanction, and the Claimant requested continued benefits during the fair hearing process (Exhibit D-2).
- 7) At the hearing, the Claimant admitted that she failed to participate in the required PRC activity.
- 8) Chapter 24.3 of the WV Income Maintenance Manual states in part, "Each adult and emancipated minor who receive WV WORKS benefits must meet a work requirement at a minimum rate of participation."
- 9) Chapter 24.3 (A) (1) (a) of the WV Income Maintenance Manual states in part, "A single parent with a child under age 6 meets the work participation requirement by participating an average of 20 hours/week."
- 10) Chapter 24.3 (C) (1) of the WV Income Maintenance Manual states in part, "All hours of participation in activities must be verified. The Participant Time Sheet, OFS-TS-12, is the standard time sheet used to document participation."
- 11) Chapter 24.4 of the WV Income Maintenance Manual states in part,  
  
The Worker must assist the client in all reasonable ways to achieve self-sufficiency. To accomplish this, the Worker must assess the client's knowledge and skills, work with the client and make informed recommendations about courses of action appropriate for each individual to develop a plan that is expected to lead to self-sufficiency. In addition, he must enter into an agreement with the client concerning his involvement in the process of becoming self-sufficient, monitor the client's progress to determine changing needs and the need for support service payments and take appropriate follow-up action based on the client's actions.
- 12) Chapter 24.4 (A) of the WV Income Maintenance Manual states in part, "To meet the goals of the WV WORKS Program, a Worker performs the following activities for WV WORKS families: Negotiates the PRC with the client to determine the best means to achieve self-sufficiency and accept personal responsibility; Monitors compliance with the PRC; and Applies sanctions as appropriate."

**VIII. CONCLUSIONS OF LAW:**

- 1) The policy listed in the West Virginia Income Maintenance Manual lists specific policy for single parents participating in the WV WORKS program, with children under the age of 6;
- 2) One of the policies is that single parent's with a child under the age of 6, must meet a minimum work requirement of 20 hours per week;
- 3) If the Claimant is not in compliance with the Personal Responsibility Contract, the Department may apply the appropriate sanction; and finally,
- 4) The Claimant failed to comply with the terms of her Personal Responsibility Contract.

**IX. DECISION:**

It is the decision of this State Hearing Officer to UPHOLD the PROPOSAL of the Department to impose a West Virginia Works sanction for non compliance with the PRC.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 13th Day of March 2007**

---

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