



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Joe Manchin III
Governor

Patsy Hardy, FACHE, MSN, MBA
Cabinet Secretary

September 18, 2009

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held September 15, 2009. Your hearing request was based on the Department of Health and Human Resources' action to deny your West Virginia Works application based on failure to provide requested verification.

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 West Virginia Works Program is based on current policy and regulations. Some of these regulations state that it is the client's responsibility to provide requested information so that the worker can make an accurate decision concerning his eligibility. (West Virginia Income Maintenance Manual Section 1.2, E)

Information submitted at your hearing demonstrates that you did not supply all verification requested by the Department within the specified time period for approval of your June 2009 West Virginia Works application.

It is the decision of the State Hearing Officer to **uphold** the action of the Department to deny your West Virginia Works application.

Sincerely,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Sharon Straley, FSS, DHHR

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

-----,

Claimant,

v.

Action Number: 09-BOR-1696

**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 September 18, 2009 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 hearing was convened on September 15, 2009 on a timely appeal filed August 5, 2009.

II. PROGRAM PURPOSE:

West Virginia 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
Sharon Straley, Family Support Supervisor, DHHR

Presiding at the hearing was Pamela L. Hinzman, 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 West Virginia Works application based on failure to supply all requested documentation.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Sections 1.2 and 1.25

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Verification checklist dated June 23, 2009
- D-2 Notarized statement from -----
- D-3 Notice of Decision dated July 29, 2009
- D-4 West Virginia Income Maintenance Manual Section 1.2
- D-5 Case comments from Rapids computer system

Claimant's Exhibits:

- C-1 Notarized statement from -----

VII. FINDINGS OF FACT:

- 1) The Claimant applied for West Virginia Works benefits on June 23, 2009. At the time of application, the Claimant indicated that he was working for the [REDACTED] Farm as payment for a debt owed to the farm's owner.
- 2) The worker issued a verification checklist (D-1) dated June 23, 2009 requesting that the Claimant provide "a written signed notarized statement from [REDACTED] Farm, regarding your work situation, what money exchanges per month, your outstanding debt, and when you are expect [sic] to pay such debt off." The form states that the Claimant's application would be denied if the information was not provided by July 23, 2009.
- 3) According to Exhibit D-5, case comments from the Rapids computer system, the Claimant provided a statement from the [REDACTED] Farm on July 21, 2009. The statement was handwritten by the Claimant and signed by the Claimant and ----- . It should be noted that Mr. [REDACTED] signature is illegible, however the statement was notarized. The statement reads:

To Whom It May Concern
----- owes me ----- 2163 dollars
Will work as needed at [REDACTED] Farm

Case comments indicate that the worker advised the Claimant the Department would require more detailed information regarding his hours worked and rate of pay.

- 4) The Department sent the Claimant a Notice of Decision dated July 29, 2009 indicating that his West Virginia Works application had been denied for the month of June 2009 because he failed to cooperate in establishing eligibility.
- 5) The Claimant provided the Department with a second statement from [REDACTED] Farm (C-1), which was date-stamped by the Department on July 28, 2009. The statement provided additional information concerning the Claimant's monthly hours and rate of pay. The statement notes, however, that the Claimant would not return to work until his injured finger had healed. The Claimant reapplied for benefits and the Family Support Supervisor testified that his West Virginia Works application was later approved based on the second statement.
- 6) The Claimant contended that he provided the requested verification and was not originally informed of all information required to approve his application.
- 7) West Virginia Income Maintenance Manual Section 1.2, E (D-4) states:

The client's responsibility is to provide information about his circumstances so the Worker is able to make a correct decision about his eligibility. When the client is not able to provide the required verification, the Worker must assist him. The client must be instructed that his failure to fulfill his obligation may result in one of more of the following actions:

- Denial of the application
- Closure of the active AG
- Removal of the individual from the AG
- Repayment of benefits
- Reduction in benefits

Prior to taking any of the actions described above, the Worker must determine whether or not the client is able to cooperate. If he is able, but has not complied, the appropriate action described above is taken. If not, the Worker must assist the client in obtaining the required information.

- 8) West Virginia Income Maintenance Manual Section 1.25, I states that the Department must take action to approve, deny or withdraw the West Virginia Works application within 30 days.

VIII. CONCLUSIONS OF LAW:

- 1) Policy states that it is the client's responsibility to provide information about his circumstances so that the worker can make a correct decision concerning his eligibility. Failure to provide documentation can result in denial of a West Virginia Works application. The worker must take action to approve, deny or withdraw the application within 30 days.
- 2) The Claimant was issued a verification checklist on June 23, 2009 requesting that he provide a notarized statement regarding his work situation. The checklist states that information specifically needed included the amount of money that exchanges hands per month, the amount of his outstanding debt and an anticipated date for payoff of the debt. While the Claimant provided a notarized statement on July 22, 2009, the documentation was vague and did not include information regarding the amount of money exchanging hands per month and an anticipated date of payoff of the Claimant's debt. Without this financial information, the worker was unable to determine eligibility for West Virginia Works benefits within 30 days and acted correctly in denying the Claimant's application.

IX. DECISION:

The Department's action to deny the Claimant's West Virginia Works application is **upheld**.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 18th Day of September, 2009.

**Pamela L. Hinzman
State Hearing Officer**