



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
2699 Park Avenue, Suite 100  
Huntington, WV 25704

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

March 26, 2009

-----  
-----  
-----

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held March 20, 2009. Your hearing request was based on the Department of Health and Human Resources' closure of your WV Works case due to failure to cooperate with a Quality Control (QC) review.

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 a recipient of WV Works is required to cooperate with QC if selected for a QC review, and that the benefit must be stopped after proper notice if the recipient refuses to cooperate in the review. (West Virginia Income Maintenance Manual, Chapter 8.4)

The information submitted at your hearing revealed that your case was selected for QC review, you did not cooperate with the QC review, and that the Department acted correctly to close your WV Works case.

It is the decision of the State Hearing Officer to **uphold** the action of the Department to terminate your WV Works benefits.

Sincerely,

Todd Thornton  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Walter Justice, Family Support Supervisor

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

-----,

**Claimant,**

v.

**Action Number: 08-BOR-2220**

**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 26, 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 fair hearing was convened on March 20, 2009 on a timely appeal, filed August 27, 2008.

**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  
Walter Justice, Family Support Supervisor

Presiding at the Hearing was Todd Thornton, State Hearing Officer and a member of the State Board of Review.

All persons offering testimony were placed under oath.

**IV. QUESTION TO BE DECIDED:**

The question to be decided is whether or not the Department was correct to terminate the Claimant's WV Works case for failure to cooperate with a Quality Control (QC) review.

**V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual, Chapter 8.4

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

**Department's Exhibits:**

- D-1 Case Comments from August 18, 2008 through September 30, 2008
- D-2 West Virginia Income Maintenance Manual, Chapter 8.4; Chapter 9.21
- D-3 Rights and Responsibilities form (DFA-RR-1) signed October 30, 2007
- D-4 Notification of WV Works termination dated August 19, 2008

**VII. FINDINGS OF FACT:**

- 1) On or about August 19, 2008, the Department notified (Exhibit D-4) the Claimant that her WV Works caretaker relative check would be closed, effective the end of August 2008. The notice stated, in pertinent part:
  1. ACTION: Your WV WORKS will stop. You will not receive this benefit after AUGUST 2008.
  2. REASON: You refused to cooperate with a quality assurance review conducted by the Department. This cooperation is required for you to receive benefits.

No one is eligible for WV WORKS.

- 2) Case comments (Exhibit D-1) provided by the Department showed that this action was based on information received from a Quality Control (QC) reviewer. A sanction screen was coded in the data system, which generated the closure letter the following day.
- 3) The Department presented the Rights and Responsibility form (Exhibit D-3), or DFA-RR-1, signed by the Claimant on October 30, 2007. This form certified the Claimant's understanding of the program requirements, and specifically identified QC reviews in item 34:

**I understand** it is an eligibility requirement to cooperate with the Quality Assurance Reviewer in any review of my benefits. This may require a home visit by the Reviewer and include additional verification of my situation, but I also understand that I am not required to permit the Quality Assurance Reviewer to enter my home.

- 4) The West Virginia Income Maintenance Manual, Chapter 8.4, states, in pertinent part:

**8.4 COOPERATION WITH QUALITY CONTROL (QC)**

A recipient of Food Stamp benefits, WV WORKS and/or Medicaid is required to cooperate with Quality Control (QC) if selected for a QC review.

When a client refuses to participate or cooperate in the review, the benefit for which the QC review was attempted must be stopped after proper notice.

- 5) The Claimant testified that she requested a hearing to appeal the Department's decision because she believes the QC review was a violation of her right to privacy. She indicated that the WV Works check is intended for the child, and testified that she cooperated with providing the child's information. She did not believe that the Department had the right to request her financial information. She testified that the Department could access any information they needed by using the child's Social Security Number.

**VIII. CONCLUSIONS OF LAW:**

- 1) Policy for the WV Works program requires cooperation with QC reviews. There is no dispute that the Claimant's WV Works case was identified for a QC review, and that the Claimant failed to fully cooperate with that review. The closure of benefits was dictated by policy, noticed correctly, and set to be completed timely.

- 2) The Claimant indicated that her appeal was based on her right to privacy. Policy provides no exception for the reasons the Claimant provided. Additionally, the Rights and Responsibilities form presented by the Department showed that the Claimant should have been aware of the potential for a QC review, and her obligation to participate in such a review.
  
- 3) With the policy requirement for QC review participation from the Claimant clearly not met, the Department was correct to terminate WV Works benefits.

**IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the action of the Department to terminate WV Works benefits due to Quality Control non-cooperation.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this \_\_\_\_\_ Day of March, 2009.**

---

**Todd Thornton  
State Hearing Officer**