



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
1400 Virginia Street  
Oak Hill, WV 25901

Board of Review  
Joe Manchin III  
Governor

Patsy A. Hardy, FACHE, MSN, MBA  
Cabinet Secretary

March 31, 2010

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Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held March 25, 2010. Your hearing request was based on the Department of Health and Human Resources' decision to reduce your WV WORKS benefits by the imposition of a sanction.

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. These regulations provide that when a member of the benefit group does not comply with the requirements found on his or her Personal Responsibility Contract (PRC), a sanction must be imposed unless it is determined that good cause exists. The client must be given the opportunity to establish good cause. For a third offense, the sanction consists of termination of the check benefit for 3 months. Once a sanction has been imposed, it cannot be stopped until the appropriate action is taken or the appropriate time has elapsed, whichever is later. (WV Income Maintenance Manual § 13.9)

The information submitted at your hearing revealed that you failed to inform your caseworker in a timely manner that you did not have a time sheet to submit for January 2010.

It is the decision of the State Hearing Officer to **Uphold** the action of the Department to impose a first level WV WORKS sanction against you.

Sincerely,

Kristi Logan  
State Hearing Officer  
Member, State Board of Review

cc: Chairman, Board of Review  
Beverly Ballengee, Family Support Supervisor

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

-----,

**Claimant,**

**v.**

**Action Number: 10-BOR-867**

**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 25, 2010 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 25, 2010 on a timely appeal, filed February 23, 2010.

**II. PROGRAM PURPOSE:**

The Program entitled WV WORKS is administered by the West Virginia Department of Health & Human Resources.

The purpose of WV WORKS is to help economically dependent, at-risk families become self-supporting. It is a work-oriented, performance-based, time-limited Program that emphasizes employment and personal responsibility. The goals of WV WORKS are to achieve more efficient and effective use of public assistance funds, reduce dependency on public programs by promoting self-sufficiency, and structure assistance to emphasize employment and personal responsibility.

**III. PARTICIPANTS:**

-----, Claimant

Lorraine Clark, Family Support Specialist  
Beverly Ballengee, Family Support Supervisor

Presiding at the Hearing was Kristi Logan, State Hearing Officer and a member of the Board of Review.

All participants testified by phone.

**IV. QUESTION TO BE DECIDED:**

The question to be decided is whether or not the Department's decision to impose a sanction against Claimant's WV WORKS benefits was correct.

**V. APPLICABLE POLICY:**

WV Income Maintenance Manual § 13.9 and 2.17

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

**Department's Exhibits:**

D-1 Personal Responsibilities Contract dated August 20, 2009

D-2 Good Cause Letter dated February 8, 2010

D-3 WV Income Maintenance Manual § 13.9

**Claimants' Exhibits:**

None

**VII. FINDINGS OF FACT:**

- 1) Claimant was a WV WORKS recipient and signed a Personal Responsibilities Contract (PRC) on August 20, 2009. Pertinent parts of the PRC read (D-1):

Assignment/Activity

Will continue classes at Bluefield State College, will send time sheets in by 5<sup>th</sup> of each month

Will provide college class schedule for each semester

- 2) On January 28, 2010, Claimant's caseworker -----issued a verification checklist to Claimant asking her to provide a copy of her spring semester college schedule. This information was due by February 5, 2010. Claimant failed to turn in her class schedule and also failed to turn in her time sheet for January 2010.

- 3) A first level WV WORKS sanction was proposed on February 5, 2010 and a Good Cause letter was issued by -----that date. Pertinent parts of the letter read (D-2):

Your WV WORKS/WVEAP will decrease from \$301 to \$201 effective 3/1/10.

A first sanction is applied due to failure to comply with the requirements of the Personal Responsibility Contract.

We have scheduled a Good Cause interview for ----- on 2/18/10 at 10:00 at the address listed above.

Claimant failed to keep the Good Cause appointment and a first level sanction was imposed. -----sent Claimant an appointment letter for her to be placed in another work activity.

- 4) -----testified that she spoke with Claimant on February 23, 2010 about the appointment letter she received. Claimant advised -----that she was still attending college and had already sent in her class schedule for the spring semester. -----stated Claimant denied ever receiving the Good Cause letter.

-----stated Claimant's class schedule was located in her case record, with a date stamp of November 6, 2009. The sanctioned remained however, due to Claimant's failure to submit a time sheet for January 2010.

- 5) Claimant testified that she never received the Good Cause appointment letter. She stated she had been having problems with her mail coming to her physical address and had to start using a post office box. Claimant stated the only letter she received from her caseworker was the appointment letter to assign her to a new work activity.

Claimant stated she did not attend classes at all in January 2010 due to the winter break and classes being cancelled due to inclement weather. Claimant stated she did not have a time sheet to turn in for January 2010 and advised -----of this during their phone conversation on February 23, 2010.

- 6) WV Income Maintenance Manual § 13.9 states:

When a member of the AG or non-recipient Work-Eligible Individual does not comply with requirements found on his PRC, a sanction must be imposed unless the Worker determines that good cause exists.

- 7) WV Income Maintenance Manual § 13.9 A states:

Once a sanction has been imposed, it cannot be stopped until the appropriate time has elapsed. Sanctions are applied in the form of benefit reductions and, for the 3rd or subsequent offense, termination of benefits. The amount of the benefit reduction is a fixed amount and is determined as follows:

- 1<sup>st</sup> Offense - 1/3 reduction in the check amount for 3 months.
- 2<sup>nd</sup> Offense - 2/3 reduction in the check amount for 3 months.
- 3<sup>rd</sup> Offense and all subsequent offenses - Ineligibility for cash assistance for 3 months or until compliance, whichever is later.

- 8) WV Income Maintenance Manual § 2.17 B states:

All changes in income, assets, household composition and other circumstances must be reported.

For WV WORKS case, all changes in a client's circumstances must be reported immediately. In addition, new earned income must be reported within 10 days of the date new employment begins to avoid certain penalties.

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

- 1) Policy dictates that a sanction is imposed against individuals who fail to comply with the requirements of the PRC. Once a sanction has been imposed, it cannot be lifted until the appropriate time has elapsed.
- 2) Policy also holds that WV WORKS recipients must report all changes in their household's circumstances immediately.
- 3) Claimant failed to submit her time sheet for January 2010. Although Claimant testified that she did not attend any classes that month, this was not reported to her caseworker until after the sanction was imposed. Claimant had the ultimate responsibility of informing her caseworker in a timely manner that she was unable to provide a time sheet for January 2010.

### **IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to impose a first level WV WORKS sanction against Claimant.

### **X. RIGHT OF APPEAL:**

See Attachment

### **XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 31<sup>st</sup> day of March 2010.**

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**Kristi Logan  
State Hearing Officer  
Member, Board of Review**