



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
203 East Third Avenue  
Williamson, WV 25661

Earl Ray Tomblin  
Governor

Karen L. Bowling  
Cabinet Secretary

June 18, 2015



RE: [REDACTED] v. WV DHHR  
ACTION NO.: 15-BOR-1892

Dear Ms. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

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.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Stephen M. Baisden  
State Hearing Officer  
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision  
Form IG-BR-29

cc: Lorintha Hiles, Family Support Supervisor

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

██████████,

**Appellant,**

v.

**Action Number: 15-BOR-1892**

**WEST VIRGINIA DEPARTMENT OF  
HEALTH AND HUMAN RESOURCES,**

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**INTRODUCTION**

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' (WV DHHR) Common Chapters Manual. This fair hearing was convened on June 16, 2015, on an appeal filed April 14, 2015.

The matter before the Hearing Officer arises from the April 10, 2015 decision by the Respondent to discontinue Appellant's receipt of WV WORKS cash assistance.

At the hearing, the Respondent appeared by Lorenta Hiles, Family Support Supervisor. Appearing as a witnesses for the Respondent were Stacy McVaney and Rachel Ferrell, Family Support Specialists. The Appellant appeared *pro se*. All participants were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Print-out from the WV DHHR's eligibility computer system, e-Rapids, indicating the receptionist's customer sign-in log for October 14, 2014
- D-2 DFA-RFA-1, Request for Assistance form, signed by Appellant on October 14, 2014
- D-3 OFS-WVW-10 WV WORKS Caretaker Relative Option form, signed by Appellant on October 14, 2014
- D-4 DFA-AP-1, Acknowledgement of Automatic Assignment of Support Rights and of Cooperation Requirements form, signed by Appellant on October 14, 2014
- D-5 Combined Application Form (CAF) and Rights and Responsibilities form, signed by Appellant on October 14, 2014

- D-6 Letter from Department to Appellant, dated October 15, 2014
- D-7 Print-out from WV Department of Motor Vehicles indicating mailing address of Appellant's son, as reported to that agency
- D-8 Letter from [REDACTED], of the [REDACTED] Sheriff's Office, [REDACTED]

**Appellant's Exhibits:**

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

**FINDINGS OF FACT**

- 1) The Department discontinued the Appellant's WV WORKS Caretaker-Relative cash assistance benefits due to information that the father of the grandchildren for whom she applied for the benefits lived in her home. The Appellant submitted a fair hearing request to protest the closure of the WV WORKS benefits.
- 2) The Appellant applied for the WV DHHR's WV WORKS cash assistance program as a Caretaker-Relative on October 14, 2014 (Exhibit D-5). On the application, she listed her home address as a street address in [REDACTED]. She was approved for Caretaker-Relative cash assistance for three grandchildren.
- 3) As part of the WV WORKS application process, the Appellant signed a DFA-RFA-1, Request for Assistance form (Exhibit D-2), wherein she indicated that one adult and three children lived in her home. She listed her home address as a street address in [REDACTED], the same address as the one on the application form. She signed an OFS-WVW-10, Caretaker Relative Option form (Exhibit D-3), wherein she chose not to be included in the WV WORKS assistance group.
- 4) In February 2015, the Appellant completed a benefit review for the Supplemental Nutritional Assistance Program (SNAP), formerly Food Stamps. Because the worker who processed the review questioned the reported living arrangements of the Appellant's household members, she obtained information about the absent parents of the Appellant's grandchildren. The worker obtained information from the Department of Motor Vehicles and the [REDACTED], Sheriff's Office.
- 5) A print-out from the WV Department of Motor Vehicles (DMV) (Exhibit D-7) indicated that the Appellant's son, the father of the Appellant's grandchildren listed as his home address Appellant's street address from [REDACTED], on his WV Driver's License.

- 6) The [REDACTED] Sheriff's Office sent the Department a letter (Exhibit D-8) that read as follows: "During September 2014 through January 2015 [Appellant's son] lived at [street address identical to address from Exhibits D-2 and D-5], [REDACTED]. This was his listed address during the last months of his home incarceration." The letter was not dated but was signed by a [REDACTED] Sheriff's Deputy.

### **APPLICABLE POLICY**

WV Income Maintenance Manual (IMM) §4.1 reads as follows:

Verification of a client's statement is required when:

- Policy requires routine verification of specific information.
- The information provided is questionable. To be questionable, it must be:
  - Inconsistent with other information provided; or
  - Inconsistent with information received by the Department from other sources; or
  - Incomplete; or
  - Obviously inaccurate; or
  - Outdated.

WV IMM §9.21.A.1 reads as follows:

The following individuals are required to be included [in a WV WORKS Assistance Group]:

- All minor, dependent, blood-related and adoptive siblings who live in the same household and are otherwise eligible. For this purpose only, otherwise eligible means living with a specified relative.
- The parent(s) of the child(ren) identified above when the parent(s) lives with the child(ren).

### **DISCUSSION**

The Department submitted as evidence documentation to indicate the Appellant's son lived in the home with the Appellant and his three children, for whom the Appellant received WV WORKS Care-Taker Relative cash assistance.

The Appellant testified that her son did not live with her through the period in question. She stated that he stayed with her for "a few days" from October 2014 to February 2015, but he did not live with her permanently.

The information from the WV DMV (Exhibit D-7) may not be particularly compelling. A person who moves frequently or whose living arrangements are in a state of flux may list his or her parents' mailing address on his or her driver's license. However, the letter from the [REDACTED] Sheriff's Office (Exhibit D-8) strongly indicates the Appellant's son lived with his mother. The son was on home confinement, and was required to report his living arrangements to the sheriff's office.

### **CONCLUSION OF LAW**

The Department acted correctly to terminate Appellant's WV WORKS caretaker-relative cash assistance because the father of the children for whom she received the assistance lived in her home, pursuant to IMM Chapter 9, §9.21.A.1.

### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the Department's decision to terminate the Appellant's WV WORKS caretaker-relative cash assistance.

**ENTERED this 18<sup>th</sup> Day of June 2015.**

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**Stephen M. Baisden**  
**State Hearing Officer**