



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

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

February 16, 2017



RE: [REDACTED] v. WVDHHR
ACTION NO.: 17-BOR-1058

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,

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

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

cc: Rhonda Rowan, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 17-BOR-1058

**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' Common Chapters Manual. This fair hearing was convened on February 15, 2017, on an appeal filed January 9, 2017.

The matter before the Hearing Officer arises from the December 7, 2016 decision by the Respondent to terminate benefits under the WV WORKS Program. At the hearing, the Respondent appeared by Rhonda Rowan, Family Support Specialist. The Appellant appeared pro se. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 WV WORKS Self-Sufficiency Plan signed on October 31, 2016
- D-2 Participant Time Sheet for November 2016
- D-3 Notice of Pending Closure of Benefits dated December 6, 2016

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 Appellant applied for WV WORKS benefits in October 2016, at which time she completed a Self-Sufficiency Plan (SSP) (D-1). As part of the Self-Sufficiency Plan, the Appellant was assigned to complete 108 monthly work participation hours beginning in November 2016.
- 2) Exhibit D-2, the Appellant's Participant Time Sheet, reveals that the Appellant completed a total of 49 work participation hours in November 2016.

- 3) The Department sent the Appellant a Notice of Pending Closure of Benefits (D-3) on December 6, 2016, indicating that her WV WORKS benefits were being terminated as a result of failure to comply with the terms of her Self-Sufficiency Plan. A good cause appointment was scheduled for December 16, 2016; however, the Appellant failed to attend and the Department applied a work sanction, terminating WV WORKS benefits effective January 2017.
- 4) The Appellant testified that she had difficulty attending her work assignment because her father's vehicle was not operating and she had some medical visits. She stated that she did not receive the good cause appointment letter, but believes the November 2016 time sheet is an accurate representation of her work hours in that month. The Department's representative indicated that the good cause appointment letter was not returned by the U.S. Postal Service as undeliverable.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 13.9 states that when a member of the WV WORKS Assistance Group or non-recipient Work-Eligible Individual does not comply with requirements found on his PRC or SSP, a sanction must be imposed unless the Worker determines that good cause exists.

DISCUSSION

Policy states that when a WV WORKS recipient fails to comply with PRC/SSP requirements, a sanction can be applied to the case. The Appellant completed only 49 of her required 108 work participation hours in November 2016. Therefore, the Department acted correctly in applying a sanction to her case.

CONCLUSIONS OF LAW

Based on information provided during the hearing, the Department acted correctly in applying a sanction and terminating the Appellant's WV WORKS benefits.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Department's action to terminate WV WORKS benefits effective January 2017.

ENTERED this 16th Day of February 2017.

Pamela L. Hinzman
State Hearing Officer