



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

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

November 16, 2017



RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-2409

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: Christina Saunders, Repayment Investigator

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

██████████,

Appellant,

v.

Action Number: 17-BOR-2409

**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 October 24, 2017, on an appeal filed August 31, 2017.

The matter before the Hearing Officer arises from the decision by the Respondent to establish a repayment claim against the Appellant's receipt of WV WORKS cash assistance payments as a caretaker-relative for children in her care.

At the hearing, the Respondent appeared by the Department's Representative, Repayment Investigator Christina Saunders. The Appellant appeared *pro se*. The participants were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Cash Assistance Claim Determination form, dated October 17, 2017
- D-2 Case comments from Appellant's WV WORKS case record, dated June 14 to September 28, 2017
- D-3 Electronic Benefits Transfer (EBT) Card Transaction History for Appellant, listing cash assistance purchases and withdrawals made from July 11 through October 2, 2017
- D-4 WV Income Maintenance Manual (WV IMM), Chapter 20, §20.3
- D-5 Letter from Department to Appellant, dated July 12, 2017
- D-6 Second Letter from Department to Appellant, dated July 12, 2017

Appellant's Exhibits

A-1 None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence during 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 had custody of five grandchildren. She applied for Medicaid on their behalf in June 2017. She did not apply for WV WORKS Caretaker-Relative cash assistance.
- 2) On July 11, 2017, the Department received an "alert" or an automated message from the WV DHHR's computerized case management network, known as RAPIDS, indicating that the Appellant's eligibility worker needed to perform certain maintenance on her case, which involved the worker utilizing a computer calculation subroutine to determine if the Appellant's benefits were increased or decrease by the maintenance. The worker recorded, "ran with no changes and confirmed" (Exhibit D-2).
- 3) On July 11, 2017, \$350 in cash assistance was deposited into the Appellant's EBT account. On July 16, 2017, the Appellant's EBT account recorded three cash assistance withdrawals, in the amounts of \$200, \$100 and \$40.
- 4) On August 1, 2017, \$420 in cash assistance was deposited into the Appellant's EBT account. On August 3, 2017, the Appellant's EBT account recorded a \$420 cash assistance withdrawal (Exhibit D-3).
- 5) The Department determined the Appellant had received the WV WORKS cash assistance in error because she did not complete an application for this benefit. On October 17, 2017, the Department's representative completed a Cash Assistance Claim Determination form (Exhibit D-1). She calculated a repayment amount of \$770, representing the amount of caretaker-relative cash assistance the Appellant received for July and August 2017. She listed the repayment as an "AE" or agency error claim.
- 6) The Appellant repaid \$205.65 toward the repayment claim, leaving a balance of \$564.35.
- 7) The Appellant requested a fair hearing to protest the Department's establishment of this repayment obligation.

APPLICABLE POLICY

WV IMM, Chapter 20, §20.3 reads as follows in part, "When an [Assistance Group or] AG has received more cash assistance than it was entitled to receive, corrective action is taken by establishing a claim for the overpayment. The claim is the difference between the amount of benefits received and the amount of benefits to which the AG was entitled."

DISCUSSION

The Appellant requested a fair hearing because she did not believe she should be obligated to repay WV WORKS benefits issued to her in error. She testified that she explained several times to an eligibility worker she did not want caretaker-relative cash assistance, but, she stated, this worker did not listen to her. She stated that when she received the cash assistance, she thought she was supposed to have it, so she accessed and used the funds. The Appellant testified that she accessed the August \$420 benefit, but she did not access the \$350 issuance for July.

The Department's representative testified that the problem with the Appellant's receipt of and usage of these funds was that she did not complete an application form for WV WORKS Caretaker-Relative cash assistance. Since no application form was completed for this benefit, the Appellant was not eligible for the cash assistance.

There is no question that the Appellant received WV WORKS cash assistance for the months of July and August 2017, although she did not apply for the benefit. The Department acted correctly to impose a repayment claim against the Appellant's receipt of WV WORKS cash assistance.

CONCLUSION OF LAW

The WV Income Maintenance Manual, in Chapter 20, §20.3, requires the establishment of WV WORKS repayment claims whenever there has been an excessive issuance of WV WORKS benefits. As such, the Department acted correctly to establish a WV WORKS repayment claim against the Appellant for \$564.35.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Department's decision to establish a WV WORKS repayment claim totaling \$564.35 against the Appellant.

ENTERED this 16th Day of November 2017.

**Stephen M. Baisden
State Hearing Officer**