

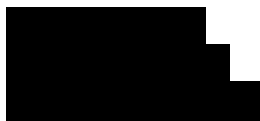


STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
2699 Park Avenue, Suite 100
Huntington, WV 25704

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

April 23, 2015



RE: [REDACTED] v. WVDHHR
ACTION NO.: 15-BOR-1113

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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Lela Pemberton, Department Representative

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

██████████,

Claimant,

v.

Action Number: 15-BOR-1113

**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 April 22, 2015, on an appeal filed January 20, 2015.

The matter before the Hearing Officer arises from the December 22, 2014 decision by the Respondent to terminate the Claimant's child care services.

At the hearing, the Respondent appeared by Ashley McDougal and Lela Pemberton. The Claimant appeared *pro se*. Appearing as a witness for the Claimant was ██████████. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- | | |
|-----|----------------------------------------------------------------------------------------------|
| D-1 | Client Contact Report, entries dated November 10, 2014 |
| D-2 | Child Care Parent Notification Letter (Notice of Denial or Closure), dated December 8, 2014 |
| D-3 | Provider Notification Letter – Parent's Eligibility for Child Care, dated December 8, 2014 |
| D-4 | Child Care Parent Notification Letter (Notice of Denial or Closure), dated December 22, 2014 |
| D-5 | Client Contact Report, entry dated December 22, 2014 |
| D-6 | Child Care Parent Services Agreement, dated September 5, 2013 |

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 Claimant was a recipient of child care services.
- 2) The Claimant's physical address changed.
- 3) The Respondent requested the Claimant verify her physical address. This request was first in the form of a phone call to the Claimant (Exhibit D-1) on November 10, 2014, followed by a letter (Exhibit D-2) mailed on December 8, 2014. The letter lists acceptable forms of verification and reads, "We must receive this information by 12/21/2014 or your case will be closed."
- 4) The Claimant did not provide the requested verification of physical address.
- 5) The Respondent mailed the Claimant a December 22, 2014 (Exhibit D-4) notice advising her that she was no longer eligible for child care services because this verification was not provided.
- 6) The Claimant argued that she did not need to provide the requested information and explained that she failed to do so because of her demanding schedule.

APPLICABLE POLICY

Child Care Policy requires applicants to provide proof of West Virginia residency (§3.4), and that "New proof of residency must be submitted within thirteen days of a change of physical address." (§3.4.2)

DISCUSSION

The Respondent terminated the Claimant's child care services because the Claimant failed to respond to a verification request. Testimony and evidence clearly showed the Claimant did not provide this verification, and policy requires this verification as a condition of eligibility. The Respondent was correct to terminate services on this basis.

CONCLUSION OF LAW

Because child care policy requires verification of residence to determine program eligibility and the Claimant did not provide this information, the Respondent must terminate the Claimant's child care services.

DECISION

It is the decision of the State Hearing Officer to **uphold** the action of the Respondent to terminate child care services to the Claimant.

ENTERED this ____ Day of April 2015.

**Todd Thornton
State Hearing Officer**