



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
4190 Washington Street, West
Charleston, West Virginia 25313
(304) 746-2360, ext. 2227

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

July 23, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-2443

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,

Donna L. Toler
State Hearing Officer
Member, State Board of Review

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

cc: Kathryn Young, CCR&R Supervisor

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

██████████,

Action Number: 15-BOR-2443

Appellant,

v.

**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 July 23, 2015, on an appeal filed July 1, 2015.

The matter before the Hearing Officer arises from the May 28, 2015 decision by the Respondent to terminate the Appellant's child care services.

At the hearing, the Respondent appeared by Kathryn Young, Connect CCR&R Supervisor. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Child Care Parent Notification Letter, Notice of Denial or Closure, dated May 14, 2015
- D-2 Student Detail Schedule, January 20, 2015 through May 14, 2015
- D-3 Provider Notification Letters - Parent's Eligibility for Child Care, dated May 14, 2015
- D-4 Child Care Parent Notification Letter, Notice of Denial or Closure, dated May 28, 2015
- D-5 Child Care Subsidy Policy §§4.0, 4.1, 4.1.1, 4.1.2, 4.1.3, 4.5.3, 4.5.4 and 4.5.6

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 Appellant was a recipient of Child Day Care Services.
- 2) On May 14, 2015, the Department issued a Child Care Parent Notification Letter notifying the Appellant that additional information was needed to confirm continued eligibility for child care services. The Appellant was given until May 27, 2015, to provide verifications, including verification of most recent grades and participation in a qualifying activity. The notice indicated that if the Appellant failed to submit the requested verifications by May 27, 2015, her case would be closed. (Exhibit D-1)
- 3) The Appellant failed to provide the Department verification of her grades and participation in a qualifying activity on or before May 27, 2015.
- 4) On May 28, 2015, the Department issued a Child Care Parent Notification Letter notifying the Appellant that because the Department did not receive verification of her most recent grades and participation in a qualifying activity, her child care services were terminated effective May 28, 2015. (Exhibit D-4)

APPLICABLE POLICY

Child Care Policy §4.0 establishes that to be eligible for child care assistance, families must demonstrate a need for care. The parent must be involved in a qualifying activity that prevents him/her from providing care and supervision of the children in the household during the time the parent is participating in a qualifying activity. Child care recipients who no longer demonstrate a need for care may not remain in an active case.

Child Care Policy §4.5.6 requires that adult parents who attend educational activities or training must provide documentation of satisfactory progress and attendance.

Child Care Policy §4.5.6.2 indicates that a copy of the student's grades serves as documentation of compliance.

Child Care Policy §8.2.7 requires subsidy clients submit verifications for activities and income. For example, students receiving services must provide school schedules and grades.

DISCUSSION

The Appellant testified that on May 15, 2015, she accompanied her mother to the child care office and gave paperwork to the front desk receptionist. The Department's representative

reported that she checked the reception logs and there was no indication that the Appellant had brought any documents to the office on May 15, 2015. The Appellant speculated that the paperwork was probably lost because she had heard that a receptionist was fired for not properly processing paperwork brought into the local office. The Department's representative stated that an employee with the agency had been fired, but she was not main front desk worker.

The Appellant stated that on June 5, 2015, she met with the Department's representative and was told that the Department had a copy of the Appellant's required verifications, but indicated that because it was not date-stamped, the Department was unable to determine when it was provided to the office. The Department's representative denied that she spoke with the Appellant on June 5, 2015, and indicated that the first conversation she had with the Appellant was on July 1, 2015, the date the Appellant requested a fair hearing.

The Department's representative indicated that the Department has adopted standard operating procedures to ensure that documents provided to the local office in person, by mail or facsimile are not misplaced by having them logged in on an Excel spreadsheet. The Department's representative testified that she checked the spreadsheet and found that the Appellant had not provided any documents to the local office between the dates of May 14, 2015 through May 27, 2015.

The Appellant acknowledged that she did not keep a copy of documents that she dropped off at the local office, nor did she elaborate on what documents she alleged she provided to the Department. Without any evidence to support her statement that she provided the requested verifications to the Department prior to the May 27, 2015 deadline, the Department was correct to terminate her child care services.

CONCLUSION OF LAW

The Appellant failed to provide the Department with verification required by policy to determine continued eligibility within the established timeframes. The Department was correct in its decision to terminate her child care benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's action to terminate the Appellant's Child Care service benefits.

ENTERED this ____ Day of July 2015.

Donna L. Toler
State Hearing Officer