



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
1400 Virginia Street
Oak Hill, WV 25901

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

October 8, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-3040

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,

Kristi Logan
State Hearing Officer
Member, State Board of Review

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

cc: [REDACTED], [REDACTED]

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

██████████,

Appellant,

v.

Action Number: 15-BOR-3040

**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 October 7, 2015, on an appeal filed September 9, 2015.

The matter before the Hearing Officer arises from the September 4, 2015, decision by the Respondent to deny the Appellant's application for Child Care services.

At the hearing, the Respondent appeared by ██████████. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Notification of New Applicant dated August 19, 2015

D-2 Child Care Parent Notification Letter Notice of Denial or Closure dated September 4, 2015

D-3 Summary

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 Child Care services on August 19, 2015.
- 2) The Appellant was required to submit proof of her employment income by September 1, 2015.
- 3) The Appellant's application was denied when proof of her employment income had not been received.
- 4) The Appellant made a subsequent application for Child Care services which was approved.

APPLICABLE POLICY

Child Care Subsidy Policy §4.1.1 states that employment must be verified by the client's submission of one month's worth of check stubs, no older than 45 days, or the New Employment Verification Form (ECE-CC-1B) in the case of new employment situations in which the applicant has not yet received a pay.

Child Care Subsidy Policy §2.2.2.5 states that applicants who have been employed for less than 45 days will be given a New Employment Verification form (ECE-CC-1B) to submit to their employer for completion.

DISCUSSION

The Appellant contended that her employer refused to complete the New Employment Verification Form or provide any type of statement verifying her hourly wage and number of hours worked. Her employer told her to use The Work Number, an automated system used by employers for employees to verify their income. The Appellant purported that she tried accessing The Work Number through a telephone number provided by her employer, but was unable to retrieve her employment records.

The Respondent contended that the state of West Virginia terminated its contract with The Work Number and could no longer access employment information directly. The Appellant had the responsibility to access her employment records through the Work Number and submit it herself.

Policy requires that applicants who have started new employment and who have yet to be paid must verify their income through a New Employment Verification Form. While the Appellant's employer refused to complete this form, she was given an alternative method to verify her income. The Respondent confirmed that employment verification from The Work Number is an acceptable form of verification if there is no other method to verify new employment income. Ultimately it is the responsibility of the Appellant to provide the Respondent with the information necessary to make a determination of eligibility.

CONCLUSION OF LAW

Whereas the Appellant failed to verify her employment income to determinate income eligibility within the requested time frame, the Respondent was correct to deny her application for Child Care services.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Respondent's denial of the Appellant's application for Child Care services.

ENTERED this 8th day of October 2015

**Kristi Logan
State Hearing Officer**