



**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**

March 10, 2017



RE: [REDACTED] v. WVDHHR
ACTION NO: 17-BOR-1103

Dear Mr. [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 Melissa Harvey, Child Care Resource Center

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

██████████,

Appellant,

v.

Action Numbers: 17-BOR- 1103

**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 March 1, 2017, on an appeal filed January 18, 2017.

The matter before the Hearing Officer arises from the December 16, 2016 decision by the Respondent to terminate Child Care benefits.

At the hearing, the Respondent appeared by Melissa Harvey, Director, Child Care Resource Center, and Kelly Coen, Supervisor, Child Care Resource Center. 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 Services Agreement signed on December 2, 2016
- D-2 Child Care Certificate
- D-3 Appellant's academic schedule
- D-4 Academic Calendar 2016-2017 for ██████████
- D-5 Copy of Appellant's driver's license
- D-6 Child Care Parent Notification Letter Notice of Denial or Closure dated December 16, 2016
- D-7 Provider Notification Letter-Parent's Eligibility for Child Care dated December 16, 2016
- D-8 Hearing Request
- D-9 West Virginia Child Care Subsidy Policy & Procedures Manual Section 4.5.3
- D-10 West Virginia Child Care Subsidy Policy & Procedures Manual Section 6.6

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 Care benefits for his children (see Exhibits D-1 and D-2).
- 2) The Respondent notified the Appellant on December 16, 2016 (D-6) that he must provide his class schedule for [REDACTED] for the spring 2017 semester, as well as his fall 2016 semester grades. The letter states that failure to submit the verifications by December 29, 2016 would result in closure of his Child Care benefits.
- 3) The Respondent testified that neither he nor the Child Care provider had received the closure notices (D-6 and D-7) from the Respondent. He provided the requested verification to the Respondent in January 2017; however, he contended that he would have provided it in a timely manner had he received the notice.
- 4) There was no indication that the closure notices were returned to the Respondent by the U.S. Postal Service.

APPLICABLE POLICY

West Virginia Child Care Subsidy Policy & Procedures Manual Section 4.5.3 states that adult parents who attend educational activities or training must provide documentation of satisfactory progress and attendance. For college students, this is demonstrated by maintaining a 2.0 grade point average. A copy of the student's grades will document compliance.

West Virginia Child Care Subsidy Policy & Procedures Manual Section 6.6 states that any notification of negative action must be in writing on the Parent Notification Letter (DAY-0177 or DAY-0179), including denial of an application and termination of services.

DISCUSSION

Child Care Policy states that an adult parent who is attending college must provide documentation of satisfactory progress and attendance to the Respondent in order to maintain Child Care benefits. The Appellant was notified on December 16, 2016 that his Child Care benefits would be terminated if verification of his class schedule and grades was not provided to the Respondent by December 29, 2016. The Appellant failed to provide the verification by

December 29, 2016, and his Child Care benefits were terminated. While the Appellant indicated that he had not received the closure notice, there is no indication that the letter was returned to the Respondent by the U.S. Postal Service. Therefore, the Respondent acted correctly in terminating Child Care benefits.

CONCLUSION OF LAW

The Respondent's action to terminate Child Care benefits based on failure to provide requested verification is affirmed.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Respondent's decision to terminate Child Care benefits.

ENTERED this 10th Day of March 2017.

Pamela L. Hinzman
State Hearing Officer