

# STATE OF WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES OFFICE OF INSPECTOR GENERAL

Jim Justice Governor BOARD OF REVIEW
4190 West Washington Street
Charleston, West Virginia
25313
(304) 746-2360

Bill J. Crouch Cabinet Secretary

June 29, 2017



RE: <u>v. WV DHHR</u>

ACTION NO.: 17-BOR-1756

Dear Ms.

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,

Natasha Jemerison State Hearing Officer Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision

Form IG-BR-29

cc:

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

Action Number: 17-BOR-1756

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 June 21, 2017, on an appeal filed April 27, 2017.

The matter before the Hearing Officer arises from the April 14, 2017 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.	Both	witnesses	were	sworn	and	the
following documents were admitted into evidence.						

#### **Department's Exhibits:**

- D-1 Notification of New Applicants pending letter, dated March 31, 2017
  D-2 Email sent from to an April 5, 2017, with attached paystubs for to an April 6, 2017, with attached paystubs for to an April 6, 2017, with attached paystubs
- D-4 Client Contact Report, dated March 31, 2017 through April 20, 2017
- D-5 Child Care Parent Notification Letter Notice of Denial or Closure, dated April 14, 2017

#### **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 and her spouse are foster parents.
- 2) Although income is excluded for foster parents, they must verify employment or attendance in an education or job training program.
- 3) Employment must be verified by one month's worth of paystubs no older than 45 days or the New Employment Verification form if the applicant was recently hired.
- 4) On March 31, 2017, the Appellant applied for Child Care services and was provided a Notification of New Applicants pending letter which stated she needed to provide verification of full-time employment by April 13, 2017. (D-1)
- 5) On April 5, 2017 and April 6, 2017, the Appellant e-mailed copies of her paystubs and her husband's paystubs to (D-2 and D-3)
- 6) On April 6, 2017 and April 7, 2017, called the Appellant and left voice messages explaining the paystubs she submitted were not legible. (D-4)
- 7) Because the Department did not receive additional paystubs from the Appellant that were legible, a Child Care Parent Notification Letter Notice of Denial or Closure was issued to the Appellant on April 14, 2017. (D-5)

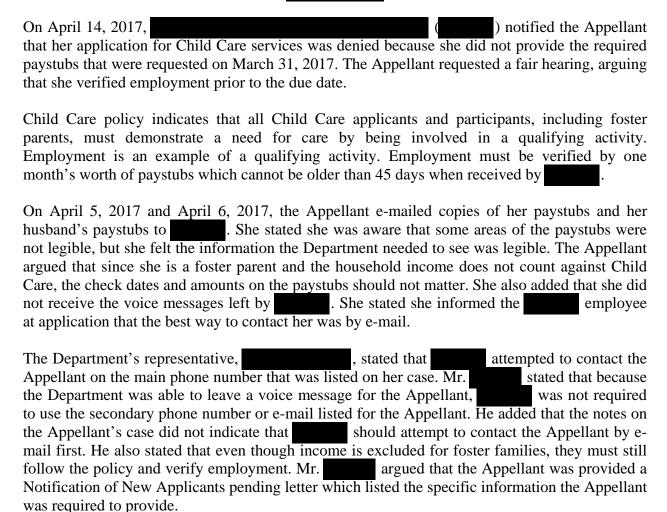
#### **APPLICABLE POLICY**

Child Care Policy §4.0 mandates that to be eligible for child care assistance, families must demonstrate a need for care. In general, that means the parents must be involved in a qualifying activity that prevents them from providing care and supervision of the children in the household.

Child Care Policy §4.1 explains that employment must be verified by the client submission of one month's worth of paystubs no older than 45 days or the New Employment Verification form if the applicant has not yet received pay.

Child Care Provider Policy §3.2.6.2 indicates that foster family income is excluded when determining eligibility. Foster parents must verify employment or attendance in an education or job training program.

#### **DISCUSSION**



Testimony and evidence provided indicates the Appellant was properly notified of the income verification requirements. Also, the Appellant was aware that the paystubs she provided were not legible when she submitted them to the Department. The Department was correct in its decision to deny the Appellant's application for Child Care services.

#### **CONCLUSION OF LAW**

Because the Appellant did not provide one month's worth of paystubs, less than 45 days old for the household by April 13, 2017, the Department was correct in its decision to deny the Appellant's application for Child Care services.

## **DECISION**

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

ENTERED this 29th Day of June 2017.

Natasha Jemerison State Hearing Officer