



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
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Charleston, West Virginia
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Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

June 29, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-1756

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,

Natasha Jemerison
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**

██████████,

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 ██████████ on April 5, 2017, with attached paystubs for ██████████
- D-3 Email sent from ██████████ to ██████████ on April 6, 2017, with attached paystubs for ██████████
- 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 [REDACTED]. (D-2 and D-3)
- 6) On April 6, 2017 and April 7, 2017, [REDACTED] 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

On April 14, 2017, [REDACTED] ([REDACTED]) notified the Appellant that her application for Child Care services was denied because she did not provide the required paystubs that were requested on March 31, 2017. The Appellant requested a fair hearing, arguing that she verified employment prior to the due date.

Child Care policy indicates that all Child Care applicants and participants, including foster parents, must demonstrate a need for care by being involved in a qualifying activity. Employment is an example of a qualifying activity. Employment must be verified by one month's worth of paystubs which cannot be older than 45 days when received by [REDACTED].

On April 5, 2017 and April 6, 2017, the Appellant e-mailed copies of her paystubs and her husband's paystubs to [REDACTED]. She stated she was aware that some areas of the paystubs were not legible, but she felt the information the Department needed to see was legible. The Appellant argued that since she is a foster parent and the household income does not count against Child Care, the check dates and amounts on the paystubs should not matter. She also added that she did not receive the voice messages left by [REDACTED]. She stated she informed the [REDACTED] employee at application that the best way to contact her was by e-mail.

The Department's representative, [REDACTED], stated that [REDACTED] attempted to contact the Appellant on the main phone number that was listed on her case. Mr. [REDACTED] stated that because the Department was able to leave a voice message for the Appellant, [REDACTED] was not required to use the secondary phone number or e-mail listed for the Appellant. He added that the notes on the Appellant's case did not indicate that [REDACTED] should attempt to contact the Appellant by e-mail first. He also stated that even though income is excluded for foster families, they must still follow the policy and verify employment. Mr. [REDACTED] argued that the Appellant was provided a Notification of New Applicants pending letter which listed the specific information the Appellant was required to provide.

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**