



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

**Bill J. Crouch**  
Cabinet Secretary

**BOARD OF REVIEW  
State Capitol Complex  
Building 6, Room 817-B  
Charleston, West Virginia 25305  
Telephone: (304) 558-2278 Fax: (304) 558-1992**

**Jolynn Marra**  
Interim Inspector General

October 24, 2019

[REDACTED]

RE: [REDACTED] v. WVDHHR  
ACTION NO.: 19-BOR-2361

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,

Angela D. Signore  
State Hearing Officer  
Member, State Board of Review

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

cc: William Smalley, WVDHHR, [REDACTED] County, Connect CCR&R

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

[REDACTED],

**Appellant,**

v.

**Action Number: 19-BOR-2361**

**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 [REDACTED]. 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 1, 2019, on an appeal filed September 10, 2019.

The matter before the Hearing Officer arises from the June 19, 2019, decision by the Respondent to close the Appellant's Connect Child Care (CCC) benefits.

At the hearing, the Respondent appeared by William Smalley, Case Manager. The Appellant appeared *pro se*. Both witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Email Correspondence between the Appellant and the Respondent, dated June 4, 2019 stating an address change to: [REDACTED]
- D-2 Child Care Parent Notification Letter Notice of Denial or Closure, dated June 5, 2019
- D-3 Provider Notification Letter – Parent's Eligibility for Child Care Notice, dated June 5, 2019
- D-4 Child Care Parent Notification Letter Notice of Denial or Closure, dated June 19, 2019
- D-5 Child Care Parent Notification Letter Notice of Denial or Closure, dated June 19, 2019, Stamped Returned to Sender – Vacant – Unable to Forward, dated July 10, 2019
- D-6 Client Contact Report, dated February 04, 2013 – August 27, 2019
- D-7 Application for Child Care Services, dated August 27, 2019

**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 Child Care Program (CCP) provides financial assistance to parent recipients to cover the cost of child care.
- 2) The Appellant was a recipient of Child Care services.
- 3) On June 5, 2019, the Respondent advised the Appellant of additional information needed regarding her Child Care case, including verification of new residency, and "pay stubs clearly showing gross income, deductions, net pay, and an average of 20 hours work per week" due no later than June 18, 2019. (Exhibit D-2)
- 4) By notice dated June 19, 2019, the Respondent advised the Appellant, "You are not eligible for child care services because: You have failed to provide verification of residence and pay stubs as required. Your case is now closed effective June 18, 2019." (Exhibit D-4)
- 5) On July 10, 2019, the Respondent received via USPS: Child Care Parent Notification Letter Notice of Denial or Closure, dated June 19, 2019, Stamped Returned to Sender – Vacant – Unable to Forward. (Exhibit D-5)
- 6) The Respondent closed the Appellant's child care services.
- 7) The Appellant contended she did not receive the review notice.

**APPLICABLE POLICY**

Child Care policy notes that it is the responsibility of the child care recipient to report "changes in circumstances," including household address, "within five days." (Child Care Subsidy Policy, §2.3.4.11, §2.3.4.11.A)

Child Care policy notes that “it remains the parent’s responsibility to obtain and complete a status check to renew the certificate.” (Child Care Subsidy Policy, §2.3.4.12)

Child Care policy reads, “The financial eligibility of each family receiving child care services shall undergo a status check periodically.” (Child Care Subsidy Policy, §6.1.1)

Child Care policy regarding the time frames for status checks reads, “The status check form shall be mailed no later than the first day of the month, with the due date the 15<sup>th</sup> day of the month and closure date 13 days later or the last day of the month.” (Child Care Subsidy Policy, §6.1.2.1)

### **DISCUSSION**

The Respondent terminated the Child Care services of the Appellant due to an incomplete review of eligibility. The Respondent must show by a preponderance of the evidence that the Appellant failed to complete her required review of eligibility.

The Appellant testified that the reason she did not complete and return the review forms is because her address had changed, and she did not receive the documents. Child Care policy places the responsibility for reporting address changes with the recipient. Although the Respondent presented evidence that the Appellant was aware of the address change requirement and she had complied with it, the Respondent did receive via USPS: *Child Care Parent Notification Letter Notice of Denial or Closure, dated June 19, 2019*, which was stamped *Returned to Sender – Vacant – Unable to Forward*, to the mailing address of: [REDACTED].

However, a previous letter mailed on June 5, 2019 sent to the Respondent’s same mailing address of: [REDACTED], advising the Appellant of additional information needed regarding her Child Care case, was not returned to sender.

While it is unfortunate that the Appellant did not receive the issued notice regarding the status closure of her case, policy does stipulate that “it remains the parent’s responsibility to obtain and complete a status check to renew the child care certificate”.

### **CONCLUSION OF LAW**

The Respondent acted correctly in terminating the child care services of the Appellant for failure to complete a required review of eligibility.

**DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the action of the Respondent to terminate the Appellant's Child Care services based on failure to complete a review of eligibility.

**ENTERED this \_\_\_\_\_ day of October 2019.**

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**Angela D. Signore  
State Hearing Officer**