

# State of West Virginia DEPARTMENT OF HEALTH AND HUMAN RESOURCES Office of Inspector General Board of Review 4190 West Washington Street Charleston, West Virginia 25313

Joe Manchin III Governor

# March 2, 2005

Dear Ms:	
Attached is a copy of the findings of fact and cor 2004. Your hearing request was based on the Department impose a sanction on your West Virginia Works case as a Responsibility Contract (PRC).	t of Health and Human Resources' action to
In arriving at a decision, the State Hearing Office West Virginia and the rules and regulations established b Resources. These same laws and regulations are used in alike.	y the Department of Health and Human
Eligibility and benefits levels for the West Virgin regulations. One of the eligibility requirements is that me group must comply with requirements found on the Persodetermines that good cause exists (WV Income Maintena	embers of the West Virginia Works assistance onal Responsibility Contract unless the worker
Information submitted at your hearing revealed: your Personal Responsibility Contract.	You failed to comply with the requirements of
It is the ruling of the State Hearing Officer to <b>up</b> sanction and reduce your benefits under the West Virgini	
	Sincerely,
	-
	Ray B. Woods, Jr., M.L.S. State Hearing Officer Member, State Board of Review

State Board of Review

#### WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES

NAME:	
ADDRESS:	
AND DECISION OF THE STATE HEARING OFFICER	ARY
I. INTRODUCTION	
This is a report of the State Hearing Officer resulting from a fair hearing concluded on Ma 2005 for	rch 2,
This hearing was held in accordance with the provisions found in the Common Chapters M Chapter 700 of the West Virginia Department of Health and Human Resources. This hear was convened on September 28, 2004 on a timely appeal filed August 3, 2004.	
It should be noted here that any benefits under the West Virginia Works Program were not received during the months of June, July and August, 2004.	

# II. PROGRAM PURPOSE

parties.

The program entitled West Virginia Works is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health and Human Resources.

All persons giving testimony were placed under oath. A pre-hearing was held between the

WV WORKS was created by Senate Bill 140 Article 9 of the West Virginia Code and the Temporary Assistance to Needy Families Block Grant, Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The purpose of WV Works is to provide assistance to needy families with children so they can be cared for in their own home, reduce dependency by promoting job preparation, work and marriage. The goals of WV Works are to achieve more efficient and effective use of public assistance funds, reduce dependency on public programs by promoting self-sufficiency and structure the assistance programs to emphasize employment and personal responsibility.

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### III. PARTICIPANTS

\_\_\_\_\_\_, Claimant
Alice Kayrouz, Family Support Specialist
Nancy Martinez, Family Support Specialist

Presiding at the hearing was Ray B. Woods, Jr., M. L. S., State Hearing Officer and; a member of the State Board of Review.

## IV. QUESTION(S) TO BE DECIDED

The question to be decided is whether the Department took the correct action to reduce West Virginia Works benefits due to the imposition of a sanction.

#### V. APPLICABLE POLICY

WV Income Maintenance Manual Section 13.9 and 13.10

### VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED

### **DEPARTMENT'S EXHIBITS:**

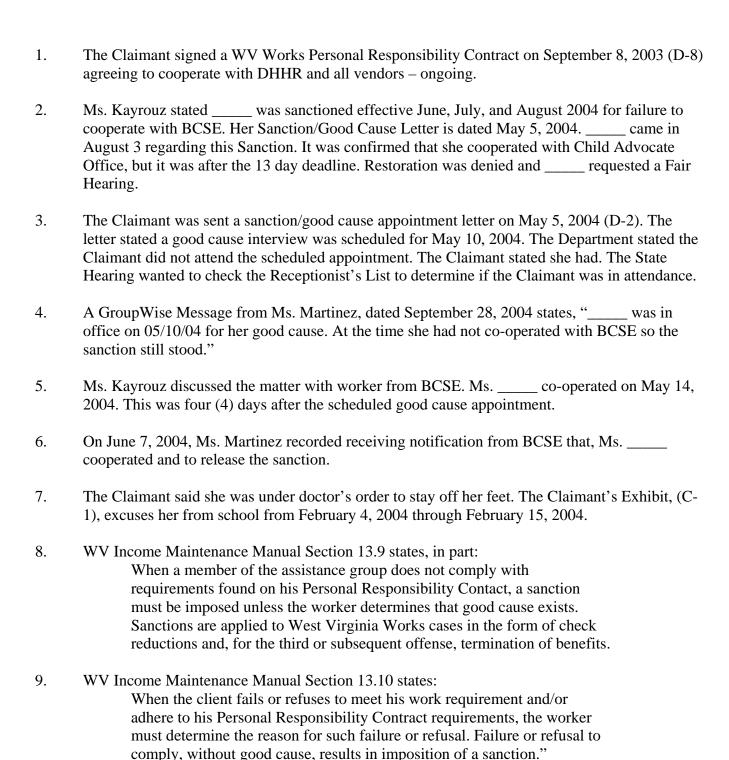
- D-1 Case Comments dated 02/24/04 08/03/04
- D-2 Notice of Decision dated 05/05/04
- D-3 Personal Responsibility Contract dated 09/08/03
- D-4 WVIMM 15.3 CHILD SUPPORT REQUIREMENTS AND PROCEDURES (WV WORKS, AFDC MEDICAID AND AFDC-RELATED MEDICAID)
- D-5 PRC SANCTION REQUESTS
- D-6 ADC ISSUANCE HISTORY DISBURSEMENT
- D-7 Hearing Summary
- D-8 GroupWise Message from Ms. Martinez dated 0928/04
- D-9 Scheduling Notice dated 08/03/04

#### **CLAIMANT'S EXHIBITS:**

C-1 Medical Excuse 02/04/04 – 02/15/04

#### VII. FINDINGS OF FACT AND CONCLUSIONS OF LAW

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### VIII. DECISION

Based on evidence and testimony presented during the hearing, the State Hearing Officer determined the Department followed proper policies and procedures in imposing a sanction on the Claimant's West Virginia Works case in conjunction with WV Income Maintenance Manual Sections 13.9 and 13.10. It is the decision of the State Hearing Officer to **uphold** the Agency's action to impose a first sanction and reduce benefits under the West Virginia Works program.

## IX. RIGHT OF APPEAL

See Attachment.

### X. ATTACHMENTS

The Claimant's Recourse to Hearing Decision.

Form IG-BR-29.