



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

Secretary

January 26, 2005

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held April 20, 2004. Your hearing request was based on the Department of Health and Human Resources' proposal to impose a sanction on your West Virginia Works case as a result of non-compliance with your Personal Responsibility Contract (PRC).

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.

Eligibility and benefits levels for the West Virginia Works Program are based on current regulations. One of the eligibility requirements is that members of the West Virginia Works assistance group must comply with requirements found on the Personal Responsibility Contract unless the worker determines that good cause exists (WV Income Maintenance Manual Sections 13.9, 13.10).

Information submitted at your hearing revealed that you did not submit your December 2003 time sheet to DHHR by the fifth day of the following month as specified in your Personal Responsibility Contract.

It is the ruling of the State Hearing Officer to **uphold** the proposal of the Agency to impose a first-level sanction and reduce your benefits under the West Virginia Works Program.

Sincerely,

Ray B. Woods, Jr., M.L.S.
State Hearing Officer
Member, State Board of Review

cc: Vicky D. Malone, FSS
State Board of Review

WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES

NAME: _____

ADDRESS: _____

SUMMARY

AND DECISION OF THE STATE HEARING OFFICER

I. INTRODUCTION

This is a report of the State Hearing Officer resulting from a fair hearing concluded on January 26, 2005 for _____.

This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This hearing was convened on April 20, 2004 on a timely appeal filed February 2, 2004.

It should be noted here that any benefits under the West Virginia Works Program have been continued pending the results of this hearing.

All persons giving testimony were placed under oath.

II. PROGRAM PURPOSE

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.

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.

III. PARTICIPANTS

_____, Claimant
Vicky D. Malone, 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 proposed the correct action to reduce West Virginia Works benefits due to the imposition of a first-level sanction.

V. APPLICABLE POLICY

WV Income Maintenance Manual Section 13.9 and 13.10

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED

D-1 WV Works first sanction/good cause appointment letter dated February 5, 2004
D-2 Food Stamp decrease letter dated February 5, 2004
D-3 Rapids case comments dated January 6, 2004 through March 24, 2004
D-4 WV Works Personal Responsibility Contract dated April 29, 2003
D-5 Participant Time Sheets

C-1 Letter dated April 16, 2004 from _____, registrar, of NIT

VII. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Claimant signed a WV Works Personal Responsibility Contract on April 29, 2003 (D-1) agreeing to submit time sheets by the fifth day of each month.
2. Ms. Malone stated the Claimant was placed in a sanction because no time sheet was received for December 2003. She noted no time sheets had been received for October or November 2003 as well. On January 6, 2004, the Claimant had been at the DHHR office for assistance with a utility bill and Ms. Malone said she reminded the Claimant about her need to submit the December time sheet. The time sheet was not received and the Claimant was placed in a sanction on January 23, 2004, effective March 2004.

3. The Claimant was sent a first sanction/good cause appointment letter on February 5, 2005 (D-1). The letter stated a good cause interview was scheduled for January 30, 2004. The Claimant did not attend the good cause appointment.
4. The Claimant testified that she had mailed the October and November 2003 time sheets to DHHR simultaneously, and later mailed the December time sheet. She provided a letter from NIT stating that a copy of the December time sheet was faxed to DHHR in February 2004 (C-1). In addition, the Claimant testified that she had mailed her December 2003 time sheet with the proper signatures to DHHR at the end of December. Ms. Malone said the time sheet was not received. The Claimant said she did not attend the good cause hearing because she was under the impression that the issue could be resolved if she resubmitted the time sheets.
5. WV Income Maintenance Manual Section 13.9 states, in part:
When a member of the assistance group does not comply with requirements found on his Personal Responsibility Contract, a sanction must be imposed unless the worker determines that good cause exists. Sanctions are applied to West Virginia Works cases in the form of check reductions and, for the third or subsequent offense, termination of benefits.

The section indicates the penalty for a first offense is a “one-third reduction in the check amount, prior to recoupment, that the assistance group is currently eligible to receive, for three months.”

6. WV Income Maintenance Manual Section 13.10 states:
When the client fails or refuses to meet his work requirement and/or adhere to his Personal Responsibility Contract requirements, the worker must determine the reason for such failure or refusal. Failure or refusal to comply, without good cause, results in imposition of a sanction.”

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 first-level 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 proposal to impose a first sanction and reduce benefits under the West Virginia Works program .

IX. RIGHT OF APPEAL

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See Attachment.

X. ATTACHMENTS

The Claimant's Recourse to Hearing Decision.

Form IG-BR-29.