



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  
E-mail Address: raywoods@wvdhhr.org

Joe Manchin III  
Governor

March 9, 2005



Dear Ms. [REDACTED]

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 14, 2004. Your hearing request was based on the Department of Health and Human Resources' action, to reduce certain WV WORKS Benefits.

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 benefit levels for WV WORKS are determined based on current regulations. One of these regulations states in part,

The following changes were made to the WV WORKS program:

- A reduction in cash assistance payments
- Elimination of the Marriage Incentive
- Participation in an educational activity as good cause for voluntarily quitting employment
- Elimination of Pre-Employment Vision and Dental Services
- The addition of the WV WORKS Donated Vehicle Program
- Transportation Support Service payments were reduced
- Elimination of the GED Completion Bonus and Six-Month Job Retention Achievement Bonus

(West Virginia Income Maintenance Manual Change #327, effective August 1, 2004)

The information submitted at the hearing revealed: A Statewide Policy Change reduced certain WV WORKS Benefits.

It is the decision of the State Hearing Officer, to uphold the action of the Department to reduce the WV WORKS Benefits.

Sincerely,

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

cc: State Board of Review  
John Harding, FSS

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

**NAME:** [REDACTED]

**ADDRESS:** [REDACTED]

### **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 March 9, 2005 for Ms. [REDACTED]

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 fair hearing convened on October 14, 2004 on a timely appeal filed September 15, 2004.

It should be noted here that, Ms. [REDACTED] is currently receiving WV WORKS Benefits.

All persons giving testimony were placed under oath. This issue could not be resolved in pre-hearing conference.

#### **II. PROGRAM PURPOSE**

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

The purpose of WV WORKS is to provide assistance to needy families with children so they can be cared for in their home, reduce dependency by promoting job preparation, work and marriage.

WV WORKS will expect and assist parents and care-taker relatives in at-risk families to support their dependent children. Every parent who receives cash assistance has a responsibility to participate in an activity to help prepare for, obtain and maintain gainful employment. WV WORKS will promote the value and the capabilities of individuals.

The goals of WV WORKS are to achieve more efficient and effective use of public assistance funds, reduce dependency on public program by promoting self-sufficiency and structure the assistance programs to emphasize employment and personal responsibility.

### **III. PARTICIPANTS**

█████ Claimant  
John Harding, Family Support Specialist - █████ District DHHR Office

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**

Did the Department have good cause to reduce Ms. █████'s WV WORKS Benefits?

### **V. APPLICABLE POLICY**

West Virginia Income Maintenance Manual Change #327, effective August 1, 2004;  
WVIMM Chapter 10.24 WV WORKS; WVIMM Chapter 24.14 PAYMENT FOR SUPPORT SERVICES and; WVIMM Chapter 24.16 CONTINUATION OF SERVICES

### **VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED**

- D-1 West Virginia Income Maintenance Manual (WVIMM) Change #327, effective August 1, 2004
- D-2 WVIMM Appendix A – Income Limits
- D-3 WVIMM Chapter 10.24 WV WORKS
- D-4 WVIMM Chapter 24.14 PAYMENT FOR SUPPORT SERVICES
- D-5 WVIMM Chapter 24.16 CONTINUATION OF SERVICES
- D-6 Scheduling Notice dated 09/15/04

### **VII. FINDINGS OF FACT**

- Effective August 1, 2004 changes were implemented that reduced the amount of Support Payments.
- Ms. █████ requested a hearing based on the continuation of services for transportation expenses and, the 25% reduction in the WV WORKS payment.
- Prior to the reduction in Benefits, Ms. █████ received an assistance check in the amount of \$453.00 for a three person household. After implementation of the policy, Ms. █████ received \$340.00. Her transportation benefits were also reduced from \$160.00 per month to \$80.00. The reduction has caused her to run out of gas on occasion. Ms. █████ travels from █████ to █████ to attend the █████.

- The decision was rendered at the conclusion of the hearing. Ms. [REDACTED] was advised by the State Hearing Officer to seek assistance from Legal Aid of West Virginia or a private attorney, if she wanted to pursue the matter.

## **VIII. CONCLUSIONS OF LAW**

West Virginia Income Maintenance Manual Change #327, effective August 1, 2004:

The following changes were made to the WV WORKS program:

- A reduction in cash assistance payments
- Elimination of the Marriage Incentive
- Participation in an educational activity as good cause for voluntarily quitting employment
- Elimination of Pre-Employment Vision and Dental Services
- The addition of the WV WORKS Donated Vehicle Program
- Transportation Support Service payments were reduced
- Elimination of the GED Completion Bonus and Six-Month Job Retention Achievement Bonus

### **Chapter 4**

Section 4.2,E, Items 4 and 5 – Language was added under “Possible Sources of Verification” column to include enrollment and/or attendance in a full-time educational activity.

Section 4.2,H – Items 9 and 15 were removed and other items were renumbered.

### **Chapter 10**

Section 10.24,C,2,b – This section was deleted due to the elimination of the WV WORKS Marriage Incentive. Item c was changed to Item b.

Section 10.24,C,3 – Under determining countable income for WV WORKS, Step 8 with the addition of the Marriage Incentive was removed. The remaining steps were renumbered.

Appendix A – The income limits chart was corrected to reflect the new WV WORKS payment amounts. Payments were reduced by 25% effective August 1, 2004

### **Chapter 13**

Section 13.10 – An additional good cause reason was added for quitting employment to enter a full-time educational activity. This change was made to comply with the intent of Senate Bill 577 regarding attendance in educational activities by WV WORKS participants.

### **Chapter 24**

Section 24.4, Items I and J – Item I was deleted due to elimination of Vision and Dental Services. Item J was changed to Item I. Item I was renamed the WV WORKS Donated Vehicle Program and includes appropriate program policies. Availability of this new program will be

announced at the appropriate time by the Bureau for Children and Families. The referral form OFS-WHEELS-1 is obsolete and was replaced by form DFA-CARS-1.

Section 24.14,C, Items 8, 12, and 13 – Transportation Support Service Payments were reduced to \$2.50 and \$4.00 per day, with a maximum payment of \$100 per month. The GED Achievement Bonus and Six-Month Job Retention Achievement Bonus payments were eliminated.

Clients requesting a fair hearing regarding the reduction of WV WORKS cash assistance will be allowed to receive benefits at the old amount pending a fair hearing decision if the request is made within the 13-day advance notice period and the client requests continued benefits. Separate RAPIDS instructions will be forthcoming.

Because of the August reduction in WV WORKS cash assistance payments and possible increase in a family's Food Stamp benefits, WV WORKS staff must update the PRC and complete a new CWEP Individual Participation Agreement or JOIN Individual Participation Agreement for each WV WORKS CWEP and JOIN participant to reflect the correct monthly hourly obligation.

Transportation Support Service Payments which are under the current \$5 / \$8 payment levels, GED Achievement Bonuses and Six-Month Job Retention Bonuses for July 2004 or prior months must be entered into RAPIDS no later than August 31, 2004.

In accordance with the memorandum dated June 28, 2004, referrals for Pre-Employment Vision/Dental Services ended at the close of business on June 30, 2004. No additional referrals were to be made by staff after that date. These referral are time-limited and services must be completed within one year of the date of the referral. Referrals through June 30, 2004 will receive covered services until the end of their referral period. Dental referrals that expired must have been re-issued by June 30, 2004, provided the recipient met the requirements and the Worker verified there was a remaining balance available.

Policy questions should be directed to the DFA Family Support Unit.

Systems questions should be directed to RAPIDS.

## **IX. DECISION**

According to the West Virginia Income Maintenance Manual Change #327, effective August 1, 2004, the following changes were made to the WV WORKS program:

- A reduction in cash assistance payments
- Elimination of the Marriage Incentive
- Participation in an educational activity as good cause for voluntarily quitting employment
- Elimination of Pre-Employment Vision and Dental Services
- The addition of the WV WORKS Donated Vehicle Program
- Transportation Support Service payments were reduced
- Elimination of the GED Completion Bonus and Six-Month Job Retention Achievement Bonus

It is the decision of this State Hearing Officer, to uphold the action of the Department to reduce the amount of Ms. [REDACTED]'s WV WORKS Benefits. This was a statewide change that affected all WV WORKS Recipients. The Department's action in this particular matter was proper and correct.

**IX. RIGHT OF APPEAL**

See Attachment.

**X. ATTACHMENTS**

The Claimant's Recourse to Hearing Decision.

Form IG-BR-29.