



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
Post Office Box 2590  
Fairmont, WV 26555-2590

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

October 31, 2005

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Ms. \_\_\_\_\_:

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 24, 2005. Your hearing request was based on the Department of Health and Human Resources' action to deny your request for an extension of WV WORKS benefits beyond the 60-month lifetime limit.

In arriving at a decision, the State Hearings 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/TANF are determined based on current regulations. One of these regulations specifies that there is a lifetime limit of 60 months that a family can receive assistance under TANF or WV WORKS. An extension of benefits can be requested and forwarded to the OFS Extension Committee during the final five months of eligibility based on any one of the specified circumstances in policy. After a client has received WV WORKS for 55 months, a formal case review must be conducted. If the client fails to appear at the first scheduled review and does not reschedule it, the Worker is no longer obligated to pursue the review process. However, if the client later requests help of this kind, their request must be honored when the process can be accomplished prior to receipt of the 60<sup>th</sup> month's benefit.. (WV Income Maintenance Manual Section 15.6).

The information submitted at your hearing reveals that the Department's explanation for denying your extension request is not supported by policy. There is no language in policy that requires an individual to submit an extension request within 30-days of receipt of the Request for Extension Form (WR-IM-L), and policy states that an extension request must be honored when the process can be accomplished prior to receipt of the 60<sup>th</sup> month of benefits.

It is the decision of the State Hearing Officer to **reverse** the Department's decision to deny the Claimant's extension request based on her failure to complete and return the Extension Request Form (WR-IM-L) within 30-days. This issue is therefore remanded back to the Department, and their Extension Review Committee, to properly evaluate the Claimant for an extension of WV WORKS beyond the 60-month lifetime limit.

Sincerely,

Thomas E. Arnett  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Kim Cox, FSS, DHHR

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

\_\_\_\_\_,  
**Claimant,**

**v.**

**Action Number: 05-BOR-6430**

**West Virginia Department of  
Health and Human Resources,**

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**I. INTRODUCTION:**

This is a report of the State Hearing Officer resulting from a fair hearing concluded on October 31, 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 fair hearing was convened on October 24, 2005 on a timely appeal, filed June 13, 2005.

It should be noted here that the Claimant received her 60<sup>th</sup> month of WV WORKS benefits in October 2005 and benefits cannot be reinstated until or unless she receives a favorable finding from the Extension Review Committee or a Fair Hearing.

**II. PROGRAM PURPOSE:**

The Program entitled WV WORKS is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & 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 dependence on public programs by promoting self-sufficiency and structure the assistance programs to emphasize employment and personal responsibility.

### **III. PARTICIPANTS:**

Kim Cox, FSS, DHHR  
\_\_\_\_\_, Claimant

Presiding at the Hearing was Thomas E. Arnett, State Hearing Officer and a member of the State Board of Review.

### **IV. QUESTIONS TO BE DECIDED:**

The question to be decided is whether the Claimant's request for an extension of WV WORKS benefits beyond the 60-month lifetime limit was correctly denied by the Department.

### **V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual § 15.6.

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

#### **Department's Exhibits:**

- D-1 Request for Extension of 60-month Time Limit dated 5/11/05
- D-2 Notice of Denial dated August 11, 2005
- D-3 WVIMM 15.6

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

- 1) On May 11, 2005, the Department sent the Claimant a Request for Extension of 60-month Time Limit form (WR-IM-L), exhibit D-1. This form advises the Claimant of the circumstance for which an extension of her WV WORKS benefits can be requested. This form goes on to say – "In order to be considered for an extension you must return this form within 30 days following the date it was mailed to you."
- 2) On August 11, 2005, the Department sent the Claimant a denial notice (D-2). This notice states in pertinent part:

This letter is to inform you that your application for an extension has been denied by the extension committee. The application must be returned within a 30 day period. Our records indicate that the letter was mailed to you on 5/11/05 and should have been returned to this office no later than 6/11/05. The extension form was received in our office on 8/9/05.

- 3) Testimony received at the hearing reveals that the Claimant was unable to attend a formal case staffing at the [REDACTED] County Department of Health and Human Resources Office on May 17, 2005 due to illness. For reasons unknown by all parties, this staffing was not immediately rescheduled, and as a result, the Claimant's Extension Request Packet was not immediately completed. In addition, the process was further delayed as the Claimant contends that she did not receive the May 11, 2005 Request for Extension form (D-1).
- 4) West Virginia Income Maintenance Manual, Chapter 15.6, A, states there is a lifetime limit of 60 months that a family may receive cash assistance under TANF and/or WV WORKS.
- 5) West Virginia Income Maintenance Manual, Chapter 15.6, C, states that there are provisions which may allow a family to receive benefits for more than 60 months. A temporary extension of up to 6 months may be given only once for the adults and emancipated minors in the AG at the time the extension is approved, unless the extension is based wholly or in part on domestic violence.
- 6) West Virginia Income Maintenance Manual, Chapter 15.6, D, states that after a client has received WV WORKS for 55 months, a formal case review must be conducted. If he fails to appear at the first scheduled review and does not reschedule it, the Worker is no longer obligated to pursue the review process. However, if the client later requests help of this kind, his request must be honored when the process can be accomplished prior to receipt of the 60<sup>th</sup> month's benefit.

#### **VIII. CONCLUSIONS OF LAW:**

- 1) Policy provides that there is a lifetime limit of 60-months that a family may receive cash assistance under TANF and/or WV WORKS, however, there are provisions which may allow a family to receive benefits for more than 60 months.
- 2) After a client has received benefits for 55 months, a formal case review must be conducted, and if the client fails to appear and does not reschedule the case review, the Worker is no longer obligated to pursue the review process. However, policy goes on to say that, if the client later requests help of this kind (an extension of WV WORKS benefits beyond the 60-month lifetime limit), their request must be honored when the process can be accomplished prior to receipt of the 60<sup>th</sup> month of benefits [emphasis added]. Accordingly, a request can be made up to and including the 59<sup>th</sup> month, so long as the process can be accomplished prior to receipt of the 60<sup>th</sup> month of benefits.
- 3) There are no provisions in policy that require the Claimant to return the Request for Extension form within 30 days.
- 4) The Claimant's request for an extension of WV WORKS was received on August 9, 2005, in the 58<sup>th</sup> month of benefits, as verified in exhibit D-2, and there is no evidence to indicate that the process could not have been accomplished prior to receipt of the 60<sup>th</sup> month of benefits.

**IX. DECISION:**

It is the decision of the State Hearing Officer to **reverse** the Department's decision to deny the Claimant request for an extension based on her failure to complete the extension request form (WR-IM-L) within 30-days. This issue is remanded back to the Department, and their Extension Review Committee, to properly evaluate the Claimant for an extension of WV WORKS beyond the 60-month lifetime limit.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 31st Day of October, 2005.**

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**Thomas E. Arnett**  
**State Hearing Officer**