



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

**Joe Manchin III**  
Governor

**Martha Yeager Walker**  
Secretary

September 19, 2006

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held August 1, 2006. Your hearing request was based on the Department of Health and Human Resources' action to decrease your WV WORKS Benefits.

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 for the West Virginia Works Program is based on current policy and regulations. Some of these regulations state as follows:

When an adult(s) or foster child(ren), who is not an AG member or disqualified individual, lives in the home with the AG, the benefit amount is reduced by 25%. (West Virginia Income Maintenance Manual 10.24 C (2) (a) Benefit Reductions and Incentives).

The information submitted at your hearing revealed: The person residing in your home is not a relative or included in your West Virginia Works Benefits.

It is the decision of the State Hearings Officer to UPHOLD the ACTION of the Department to apply a 25% reduction to the West Virginia Works case.

Sincerely,

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

cc: State Board of Review  
Terra Hoff, Family Support Specialist

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

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

**v.**

**Action Number: 06-BOR-2078**

**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 September 19, 2006 for Ms. \_\_\_\_\_. 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 August 1, 2006 on a timely appeal filed June 8, 2006.

It should be noted here that the Claimant's benefits have been continued pending a hearing decision. A pre-hearing conference was held between the parties, and the Claimant did not have legal representation

**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 & 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:**

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

Terra Hoff, Family Support Specialist – [REDACTED] DHHR Office

Mike Holland, Family Support Specialist – [REDACTED] DHHR Office (Observing)

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. QUESTIONS TO BE DECIDED:**

The question(s) to be decided is: Did the Claimant have someone living in her household who was not a relative or a member of the assistance group?

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

West Virginia Income Maintenance Manual Sections 10.24 B (1) (a & b) INCOME DISREGARDS AND DEDUCTIONS; 10.24 B (2) UNEARNED INCOME; and 10.24 C (2) BENEFIT REDUCTIONS AND INCENTIVES

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

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

D-1 Copy of Reduction Letter dated 06/07/06

D-2 Copy of Lease dated 04/15/06

D-3 WVIMM Section 10.24 C (2) BENEFIT REDUCTIONS AND INCENTIVES

D-4 West Virginia Income Maintenance Manual Sections 10.24 B (1)(a & b) INCOME DISREGARDS AND DEDUCTIONS; 10.24 B (2) UNEARNED INCOME

#### **Claimants' Exhibits:**

None

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

- 1) The Claimant requested a hearing due to a 25% reduction placed on her WV WORKS Benefits. The reason for the reduction was based on individuals living in her home who were not relatives, or included in the assistance check. The Claimant also requested an increase in her WV WORKS Benefits because of her many financial obligations.
- 2) The Family Support Specialist issued a letter to the Claimant on June 7, 2006 (Exhibit D-1). The letter stated in part, "Your WV WORKS will decrease from \$240.00 to \$180.00 effective 07/01/06. The Reason: There is a 25% reduction due to an individual living in the home that is not included in your WV WORKS benefit."

- 3) The Claimant signed a lease on April 15, 2006. The Claimant signed the lease as the “Designate” while the non-relative signed as the “Lessee” (Exhibit D-2).
- 4) WVIMM Section 10.24 C (2) BENEFIT REDUCTIONS AND INCENTIVES states in part, “When an adult(s) or foster child(ren), who is not an AG member or disqualified individual, lives in the home with the AG, the benefit amount is reduced by 25%” (Exhibit D-3).
- 5) West Virginia Income Maintenance Manual Sections 10.24 B (1) (a & b) INCOME DISREGARDS AND DEDUCTIONS, and 10.24 B (2) UNEARNED INCOME allows for Earned and Unearned Income Disregards, and Dependent Care Deductions. The Claimant did not qualify under any of these categories.

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

- 1) WVIMM Section 10.24 C (2) BENEFIT REDUCTIONS AND INCENTIVES states in part, “When an adult(s) or foster child(ren), who is not an AG member or disqualified individual, lives in the home with the AG, the benefit amount is reduced by 25%.”
- 2) West Virginia Income Maintenance Manual Sections 10.24 B (1) (a & b) INCOME DISREGARDS AND DEDUCTIONS, and 10.24 B (2) UNEARNED INCOME allows for Earned and Unearned Income Disregards, and Dependent Care Deductions.
- 3) A 25% check reduction was placed on the Claimant’s WV WORKS Benefits. The reason for the reduction was based on individuals living in her home who were not relatives, or included in the assistance check. The reduction was proper and correct according to the policy stated under #1 of this section.
- 4) The Claimant requested an increase in her WV WORKS Benefits because of her many financial obligations. The Claimant did not meet any of the criteria stated in the policy under #2 of this section.

#### **IX. DECISION:**

It is the decision of this State Hearing Officer to UPHOLD the ACTION of the Department in this particular matter.

#### **X. RIGHT OF APPEAL:**

See Attachment

#### **XI. ATTACHMENTS:**

The Claimant’s Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 19th Day of September, 2006.**

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**Ray B. Woods, Jr., M.L.S.  
State Hearing Officer**