



**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

October 2, 2006

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held September 5, 2006. Your hearing request was based on the Department of Health and Human Resources' proposal to impose a 2nd level West Virginia Works sanction.

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: Failure, without good cause, to adhere to the responsibilities or any tasks listed on the PRC after signature, results in imposition of a sanction against the AG. No sanction may be imposed for failing to adhere to any provision that is not specifically addressed on the PRC at the time the failure occurred. (West Virginia Income Maintenance Manual Section 1.25 T PERSONAL RESPONSIBILITY CONTRACT (PRC)).

The information submitted at your hearing revealed: You failed to comply with the terms of your Personal Responsibility Contract.

It is the decision of the State Hearings Officer to uphold the proposal of the Department to impose the sanction.

Sincerely,

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

cc: State Board of Review
Ms. Rebecca R. Blevins, FSS

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

_____,
Claimant,

v.

Action Number: 06-BOR-2506

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

Respondent.

DECISION OF THE STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on October 2, 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 September 5, 2006 on a timely appeal filed July 24, 2006.

It should be noted here that the Claimant's WV WORKS Benefits were continued during the fair hearing process. A pre-hearing conference was held between the parties prior to the fair hearing; and the Claimant did not have an Attorney working with her in this particular matter.

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

Rebecca R. Blevins, Family Support Specialist – Kanawha District DHHR

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 comply with the requirements of her Personal Responsibility Contract?

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapter 1.25 T PERSONAL RESPONSIBILITY CONTRACT (PRC); Chapter 13.9 (A) DEFINITION OF A SANCTION; and Section 24.3 MINIMUM HOURS OF PARTICIPATION

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Copy of Personal Responsibility Contract (PRC) dated 06/28/06
- D-3 WVIMM Section 24.3 Minimum Hours of Participation

Claimants' Exhibits:

None

VII. FINDINGS OF FACT:

- 1) The Claimant signed her Personal Responsibility Contract (PRC) on June 28, 2006. She was required to complete the following assignments: (1) Attend activity for 35 hours per week at South Charleston Nutrition Site; (2) Submit timesheets by the 5th of the month; (3) Report any changes to DHHR within 10 days; and (4) Attend all activities and keep all assignments that are assigned by DHHR and case worker.
- 2) The Claimant failed to attend the scheduled activity at the [REDACTED] Site.
- 3) The Claimant attended a scheduled Good Cause appointment. The reason given for not participating was to support her husband at a friend's trial. The Department would not lift the sanction, and the Claimant requested a hearing with continued benefits.

- 4) The Claimant is part of a two parent household where her spouse is responsible for providing child care, and she participates in an approved activity 35 hours per week.
- 5) This is the Claimant's 2nd West Virginia Works sanction.
- 6) Chapter 1.25 T of the WV Income Maintenance Manual states in part:

Failure, without good cause, to adhere to the responsibilities or any Tasks listed on the PRC after signature, results in imposition of a sanction against the AG.
- 7) Chapter 13.9 of the WV Income Maintenance Manual states in part:

When a member of the AG does not comply with requirements on his PRC, a sanction must be imposed unless the Worker determines that good cause exists. 3rd offense and all subsequent offenses results in ineligibility for cash assistance for 3 months or until compliance, whichever is later.
- 8) Chapter 24.3 of the WV Income Maintenance Manual states in part

For federal TANF purposes, all AG's with 2 parents or 2 non-parent caretakers included, whether marries or not, are 2-parent families.

VIII. CONCLUSIONS OF LAW:

- 1) Chapter 13.9 of the WV Income Maintenance Manual states in part:

When a member of the AG does not comply with requirements on his PRC, a sanction must be imposed unless the Worker determines that good cause exists. 3rd offense and all subsequent offenses results in ineligibility for cash assistance for 3 months or until compliance, whichever is later.
- 2) Chapter 1.25 T of the WV Income Maintenance Manual states in part:

Once a sanction has been imposed, it cannot be stopped until the appropriate time has elapsed or the appropriate action is taken, whichever is later. A 3rd Offense and All Subsequent Offenses = Ineligibility for cash assistance for 3 months or until compliance, whichever is later.
- 3) Chapter 24.3 of the WV Income Maintenance Manual states in part

For federal TANF purposes, all AG's with 2 parents or 2 non-parent caretakers included, whether marries or not, are 2-parent families.
- 4) The Claimant did not provide Good Cause for failing to comply with the terms of her PRC, and is not in compliance with the West Virginia Works Policy

IX. DECISION:

It is the decision of this State Hearing Officer to UPHOLD the PROPOSAL of the Department to impose a West Virginia Works sanction for non compliance with the PRC.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 2nd Day of October, 2006

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