



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
9083 Middletown Mall
White Hall, WV 26554

Earl Ray Tomblin
Governor

Michael J. Lewis, M.D., Ph.D.
Cabinet Secretary

August 31, 2011

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held August 22, 2011. Your hearing request was based on the action of the Department of Health and Human Resources to deny your application for cash assistance through the WV WORKS program in June 2011.

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 for the WV WORKS Program is based on current policy and regulations. Some of these regulations state that when an individual received or is receiving cash assistance from another state, moves to West Virginia and applies for benefits, the worker must determine if the case in the other state is closed. Cash assistance received from another state makes that individual ineligible for WV WORKS cash assistance during the same month regardless of the amount received in the other state. (West Virginia Income Maintenance Manual, Chapter 8.2.C.1)

Information submitted at your hearing demonstrates that you received WV WORKS cash assistance from North Carolina in June 2011.

It is the decision of the State Hearing Officer to **uphold** the action of the Department to deny your application for WV WORKS cash assistance in June 2011.

Sincerely,

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

Pc: Erika H. Young, Chairman, Board of Review
Lori Kuffner, FSS, WVDHHR

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

-----,

CLAIMANT,

v.

Action Number: 11-BOR-1385

**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 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 August 22, 2011 on a timely appeal filed June 17, 2011.

II. PROGRAM PURPOSE:

The purpose of WV WORKS is to help economically dependent, at-risk families become self-supporting. It is a work-oriented, performance-based, time-limited program that emphasizes employment and personal responsibility. 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 assistance to emphasize employment and personal responsibility.

III. PARTICIPANTS:

-----, Claimant

Lori Kuffner, Family Support Specialist (FSS) WVDHHR

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

IV. QUESTION TO BE DECIDED:

The question to be decided is whether or not the Department of Health and Human Resources was correct in its decision to deny the Claimant's application for WV WORKS cash assistance benefits for June 2011.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual, Chapter 8.2, 8.6 and 10.3.

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Claimant's Request for Hearing (DFA-FH-1) – Received 6/17/11
- D-2 Departmental "Case Comments" for period 6/8/11 through 6/30/11
- D-3 WVIMM, Chapter 8.6
- D-4 Photocopy of the [REDACTED] WV WORKS cash assistance check received by the Claimant on June 2, 2011.
- D-5 Notice of Decision dated 6/15/11

VII. FINDINGS OF FACT:

- 1) On or about June 15, 2011, the Claimant was notified via a Notice of Decision (Exhibit D-5) that the Department of Health and Human Resources, hereinafter Department, denied her application for WV WORKS cash assistance. This notice states, in pertinent part:

Action: Your 6/2/11 application for WV WORKS/WVEAP has been DENIED.

Reason: Is already receiving this assistance.

- 2) The Department, represented by Lori Kuffner, a Family Support Specialist (FSS), confirmed that the Claimant received TANF cash assistance benefits from [REDACTED] on June 2, 2011 (See Exhibits D-2 and D-4).
- 3) As a matter of record, the Claimant acknowledged receipt of the cash assistance benefits on June 2, 2011, but contends that in [REDACTED] a cash assistance check issued in June 2011 is for completing requirements in May 2011. This is also confirmed in Exhibit D-2. She contends that she did not get any cash assistance for the month of June 2011.

- 4) The Department cited policy from the West Virginia Income Maintenance Manual (D-3) that addresses duplication of benefits between states but it did not specifically address whether cash assistance was counted the month received or the month for which it was intended – as argued by the Claimant.
- 5) West Virginia Income Maintenance Manual, Chapter 8.2.C.1, states that when an individual received or is receiving cash assistance from another state, moves to West Virginia and applies for benefits, the worker must determine if the case in the other state is closed. Cash assistance received from another state makes that individual ineligible for WV WORKS cash assistance during the same month regardless of the amount received in the other state.
- 6) West Virginia Income Maintenance Manual, Chapter 8.6, states that a client may not receive SNAP benefits, WV WORKS or Medicaid concurrently in more than one county in West Virginia or more than one state. In addition, he may not receive different types of benefits in more than one county or state at the same time.
- 7) West Virginia Income Maintenance Manual, Chapter 10.3. HHHH., states that cash assistance received from another state results in ineligibility for WV WORKS for that same month.

VIII. CONCLUSIONS OF LAW:

- 1) WV WORKS policy provides that when an individual received cash assistance from another state and the move to West Virginia, the cash assistance received [emphasis added] from the other state makes that individual ineligible for WV WORKS cash assistance during the same [emphasis added] month regardless of the amount received in the other state.
- 2) The facts of this case clearly indicate that the Claimant received [emphasis added] a cash assistance payment from [REDACTED] on June 2, 2011. As a result, the Claimant was not eligible for WV WORKS cash assistance in West Virginia for the month of June 2011.
- 3) The Department's decision to deny the Claimant WV WORKS cash assistance for June 2011 is therefore affirmed.

IX. DECISION:

After reviewing the information presented during the hearing, and the applicable policy and regulations, it is the decision of the State Hearing Officer to **uphold** the Department's decision to deny the Claimant application for WV WORKS cash assistance benefits in June 2011.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this ____ Day of August 2011.

**Thomas E. Arnett
State Hearing Officer**