



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL**

**Bill J. Crouch
Cabinet Secretary**

**BOARD OF REVIEW
Raleigh County District
407 Neville Street
Beckley, WV 25801**

**Jolynn Marra
Interim Inspector General**

July 25, 2019

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.:19-BOR-1902

Dear Mr. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

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.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Kristi Logan
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29

cc: Crystal McKinney, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 19-BOR-1902

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on July 24, 2019, on an appeal filed on June 17, 2019.

The matter before the Hearing Officer arises from the June 11, 2019, decision by the Respondent to deny the Appellant's application for WV WORKS benefits.

At the hearing, the Respondent appeared by Crystal McKinney, Family Support Specialist. The Appellant appeared *pro se*. Both witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Request received June 17, 2019
- D-2 Hearing Request Notification
- D-3 Notice of Denial dated June 11, 2019
- D-4 West Virginia Income Maintenance Manual Chapter 4, Appendix A and §4.5.3
- D-5 Case Comments from May 2017 through June 2019
- D-6 Hearing Summary

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) The Appellant applied for WV WORKS benefits for himself and his daughter in June 2019.
- 2) The Appellant receives Social Security income of \$774 monthly and Supplemental Security Income (SSI).
- 3) The Respondent issued notice on June 11, 2019 advising the Appellant that his application for WV WORKS benefits had been denied due to excessive income (Exhibit D-3).

APPLICABLE POLICY

West Virginia Income Maintenance Manual §3.4.1.A states that a SSI recipient, age 18 or over, cannot be included in the WV WORKS assistance group.

West Virginia Income Maintenance Manual §§4.5.3.A and 4.5.3.B states the WV WORKS assistance group (AG) is ineligible in any month that the countable monthly gross income exceeds 100% of the Standard of Need (SON). **The income of the disqualified person(s) is included in determining the amount of income available to the AG. However, the needs of the disqualified person(s) are not considered in any step of the eligibility determination process.**

The test is applied as follows:

- Step 1: Add together the total countable gross earned income, the gross profit from self-employment, and the countable gross unearned income of the AG and any disqualified person(s).
- Step 2: Determine the 100% of the SON amount in Appendix A for the appropriate AG size, excluding the disqualified person(s).
- Step 3: If the amount in Step 1 is greater than the amount in Step 2, the AG is ineligible.
- Step 4: If the amount in Step 1 is equal to or less than the amount in Step 2, the AG is eligible for further determinations.

West Virginia Income Maintenance Manual Chapter 4 Appendix A lists 100% SON for a one-person AG as \$581.

DISCUSSION

Policy stipulates that to be eligible for WV WORKS, the income of the assistance group must not exceed 100% of the Standard of Need. Income from an individual who is not eligible to be included in the WV WORKS assistance group is included in this step.

The Appellant is an SSI recipient, and therefore, per policy, is not eligible to be included in the WV WORKS assistance group. His income from Social Security of \$774 monthly is deemed to his daughter in determining income eligibility for the program. The Appellant's Social Security income exceeds the 100% Standard of Need for a one-person assistance group of \$581.

The Appellant argued that his combined Social Security and SSI is less than the income limit, and had his income only been from SSI, he would be eligible for WV WORKS for his daughter. The Appellant contended that policy is discriminatory against people who have worked and paid into Social Security.

The Board of Review lacks the authority to change or allow exceptions to policy. Whereas the Appellant's income exceeds the allowable limit to receive WV WORKS benefits, the Respondent correctly denied his application.

CONCLUSIONS OF LAW

- 1) To be eligible for WV WORKS benefits, the assistance group's income must not exceed 100% Standard of Need.
- 2) The Appellant is an SSI recipient, and must be excluded from the WV WORKS assistance group.
- 3) The Appellant's Social Security income of \$774 monthly is deemed to his daughter.
- 4) One hundred percent (100%) of the Standard of Need for a one-person assistance group is \$581.
- 5) The Appellant's income is excessive to receive WV WORKS benefits for his daughter.

DECISION

It is the decision of the State Hearing Office to **uphold** the decision of the Respondent to deny the Appellant's application for WV WORKS benefits.

ENTERED this 25th day of July 2019.

Kristi Logan
State Hearing Officer