



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

Bill J. Crouch  
Cabinet Secretary

BOARD OF REVIEW  
Raleigh County DHHR  
407 Neville Street  
Beckley, WV 25801  
Kristi.D.Logan@wv.gov

Jolynn Marra  
Interim Inspector General

July 6, 2021



RE: [REDACTED] v. WV DHHR  
ACTION NO.: 21-BOR-1681

Dear Ms. [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  
Certified State Hearing Officer  
Member, State Board of Review

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

cc: Eric Acord, [REDACTED] County DHHR

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

██████████,

**Appellant,**

**v.**

**Action Number: 21-BOR-1681**

**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 June 29, 2021, on an appeal filed June 1, 2021.

The matter before the Hearing Officer arises from the May 19, 2021, decision by the Respondent to terminate the Appellant's WV WORKS/EAP benefits.

At the hearing, the Respondent appeared by Eric Acord, Family Support Supervisor. Appearing as a witness for the Respondent was Karen Collins, Family Support Specialist. The Appellant appeared *pro se*. The witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Case Comments dated October 1-2, 2020
- D-2 Case Comments dated October 6-20, 2020
- D-3 Letter History Screen Print
- D-4 West Virginia Income Maintenance Manual §1.4.3
- D-5 PAR Review Findings dated May 18, 2021
- D-6 Notice of Termination dated May 19, 2021
- D-7 Hearing Request received June 1, 2021
- D-8 Department's Summary

**Appellant's Exhibits:**

None

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 cash assistance benefits on October 6, 2020.
- 2) The Appellant received WV WORKS cash assistance from October through December 2020.
- 3) The Appellant began receiving Employment Assistance Program (EAP) benefits in January 2021 due to the onset of employment.
- 4) On May 18, 2021, a peer review was conducted on the Appellant's case. The reviewer determined that the Appellant was ineligible to receive WV WORKS/EAP benefits as there was no signed application form found in the Appellant's case record (Exhibits D-3 and D-5).
- 5) The Respondent issued notice to the Appellant on May 19, 2021, advising that her WV WORKS/EAP benefits would be terminated effective May 31, 2021.

**APPLICABLE POLICY**

West Virginia Income Maintenance Manual §1.5.3 states the date of the WV WORKS application is the date that the DFA-2, which contains, at a minimum, the applicant's name and address, is signed. Benefits are prorated from the date of application when all other eligibility requirements are met. The DFA-RFA-1 may only be used when a DFA-2 is not completed at the time the client expresses an intent to apply for WV WORKS.

West Virginia Income Maintenance Manual §18.22 states that Work-Eligible Individuals may choose between two transitional benefit options any time the WV WORKS case is closed due to employment and the participant has reported employment within ten days of the employment begin date. The Employment Assistance Program (EAP) allows the employed former WV WORKS participant to continue to receive benefits through a 100% earned income disregard for the transitional benefit period following WV WORKS closure. The gross countable income must be at 150% of the Federal Poverty Level or below to receive EAP benefits. The transitional benefit services eligibility period begins the month after the effective month of closure and continues through the end of the sixth month.

## **DISCUSSION**

Pursuant to policy, the date of application for WV WORKS benefits is the date that the DFA-2 or RFA-1 form is signed. Benefits are prorated from the date of application. The Respondent terminated the Appellant's WV WORKS/EAP benefits when it was discovered that the Appellant had not signed the DFA-2 or RFA-1 during the October 6, 2020 application.

The Appellant contested the closure of the WV WORKS/EAP benefit because she did everything she was asked of by the Respondent. The Appellant stated she had no idea that a form was missing or not been signed. Due to her caseworker's mistake, the Appellant stated she lost her EAP bonus that she would have received in June 2021.

Policy requires a signed application form, either the DFA-2 or RFA-1, for the approval of WV WORKS benefits. The Respondent failed to obtain a signed application form from the Appellant, therefore, WV WORKS benefits should not have been approved. Because the Appellant was not eligible for WV WORKS, her household was ineligible to receive the EAP benefit after the onset of employment.

Whereas an application form had not been signed by the Appellant, she was ineligible to receive WV WORKS/EAP benefits.

## **CONCLUSIONS OF LAW**

- 1) Policy requires a signed application form, either the DFA-2 or RFA-1, for the approval of WV WORKS benefits.
- 2) The Respondent failed to obtain a signed DFA-2 or RFA-1 from the Appellant.
- 3) The Appellant was ineligible to receive WV WORKS benefits.
- 4) The Appellant was ineligible to receive the transitional Employment Assistance Program benefit.
- 5) The Respondent correctly terminated the Appellant's WV WORKS/EAP benefits.

## **DECISION**

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to terminate the Appellant's WV WORKS/Employment Assistance Program benefits.

**ENTERED this 6<sup>th</sup> day of July 2021.**

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**Kristi Logan**  
**Certified State Hearing Officer**