



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of the Inspector General
Board of Review**

**Jeffery H. Coben, MD
Interim Cabinet Secretary**

**Sheila Lee
Interim Inspector General**

May 31, 2023

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 23-BOR-1542

Dear [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,

Lori Woodward, J.D.
Certified State Hearing Officer
Member, State Board of Review

Encl: Recourse to Hearing Decision
Form IG-BR-29

cc: Kimberly Shipley/Kimberly Coleman, BFA, WV DHHR

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

████████████████████,

Appellant,

v.

Action Number: 23-BOR-1542

**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 May 24, 2023, on an appeal filed April 14, 2023.

The matter before the Hearing Officer arises from the February 27, 2023 decision by the Respondent to deny the Appellant's application for an extension past the 60-month limit for WV WORKS benefits.

At the hearing, the Respondent appeared by Kimberly Coleman, Family Support Services Supervisor. Appearing as a witness for the Respondent was Kimberly Shipley, Family Support Specialist. The Appellant appeared *pro se*. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 West Virginia Department of Health and Human Resources (WV DHHR) WV WORKS – Self-Sufficiency Plan (SSP), signed and dated September 27, 2022
- D-3 West Virginia Department of Health and Human Resources Referral for Training/ Services, dated September 30, 2022
- D-4 Screen Print of Individual Comments from the Appellant's eRAPIDS case file from January 13 to March 6, 2023
- D-5 Request for Extension of 60-Month Time Limit (CNT6), signed and dated January 26, 2023
- D-6 West Virginia Department of Health and Human Resources Extension of 60-Month Limit for Cash Assistance (DFA-EX-1), signed and dated February 14, 2023

D-7 Denial Notice (NNDN), dated February 27, 2023

D-8 West Virginia Income Maintenance Manual, Chapter 18, §18.2.3.F

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 was a recipient of WV WORKS/WVEAP (WVW) benefits who is scheduled to meet her 60-month lifetime limit in June 2023. (Exhibit D-1)
- 2) The Appellant requested an extension of her WVW benefits on January 26, 2023, based on participation in vocational training or an educational activity. (Exhibit D-5)
- 3) On February 14, 2023, the Respondent submitted the Appellant's extension request to the 60-Month Extension Committee for consideration. (Exhibit D-6)
- 4) On February 27, 2023, the Respondent denied the Appellant's request for an extension of the 60-month lifetime benefit and sent her notification. (Exhibit D-7)
- 5) The Appellant was not registered for a vocational training/education activity in January, 2023, her 55th month of WV WORKS benefits.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (IMM), Chapter 18, §18.2.1, *Sixty Month Time Limit*, explains that there is a lifetime limit of 60 months during which a family may receive cash assistance under Temporary Assistance for Needy Families (TANF) and/or WV WORKS.

West Virginia Income Maintenance Manual (IMM), Chapter 18, §18.2.3, *Provisions for the Extension of the Time Limit*, in part, states that there are provisions which may allow a family to receive benefits for more than 60 months. The federal government imposes a limit on the percentage of the state's TANF caseload that is allowed to be exempt from the 60-month requirement.

West Virginia Income Maintenance Manual (IMM), Chapter 18, §18.2.3.F, *In a Vocational Training/Education Activity*, explains that the extension is based on maintaining satisfactory progress toward course completion in a vocational training or educational activity. Satisfactory progress is defined by the facility or course of study but must be expected to result in a measurable

outcome, such as a diploma, degree, or certificate which will assist in attaining self-sufficiency. To qualify for consideration of this extension, one of the following situations must exist:

- In his 55th month of TANF receipt, the participant is attending a vocational training or an educational activity; or
- In his 55th month of TANF receipt, the participant is enrolled to begin vocational training or an educational activity.

Vocational training is preparation for a specific occupation. The training is conducted by an instructor in a non-work site or classroom setting.

Educational activities are limited to literacy programs, high school, Adult Basic Education (ABE), vocational, and two- and four-year college programs. They do not include on-line courses.

When the person who is participating in the training/educational activity has a disability affecting his ability to make progress or extending the time necessary to complete the program, the Case Manager must take this under consideration when granting an extension. If the Case Manager determines the individual is progressing more slowly due to the disability, he will grant an extension. The participant is not required to graduate from the program within or by the end of the extension period.

The extension remains in effect for up to six months. The Case Manager is responsible for monitoring the attendance of the participant during the extension period. If his enrollment ends, the Case Manager must send notification and close the WV WORKS benefit.

West Virginia Income Maintenance Manual (IMM), Chapter 18, §18.12, *JOB SEARCH AND JOB READINESS ASSISTANCE (JR)*, explains in part, that Job Search and Job Readiness Assistance (JR) means the act of seeking or obtaining employment and preparation to seek or obtain employment. Strategic Planning in Occupational Knowledge for Employment and Success (SPOKES) and EXCEL are the primary programs for this work activity. Programs are designed to improve work attitudes and behavior, center on general workplace expectations to help participants prepare for work, and to help participants to successfully compete in the labor market.

West Virginia Income Maintenance Manual (IMM), Chapter 18, §18.2.5.C, *Review Request for Extension*, explains that all requests for extension are made to a nine-member committee known as the 60-Month Extension Committee, consisting of four regional representatives and five appointees from various state offices, including Social Services, WV WORKS, Division of Planning and Quality Improvement (DPQI), the MRT, and the DFA Family Support Policy Unit. Once the forms are received in the state office, they are logged in and tracked to make sure information is obtained and a timely decision is made. The participant's Case Manager and the Case Manager's Supervisor are notified of the request. The Case Manager completes the Extension Request Form (DFA-EX-1) and forwards it along with any other information requested to the DFA Family Support Policy Unit. If the participant is requesting an extension due to a late onset illness or disability, the packet should include the MRT decision. The DFA-EX-1 must be signed by the Case Manager and Supervisor and include the local office recommendation regarding the extension. All requested information must be submitted within 30 days, or the local office should

notify the DFA Family Support Policy Unit regarding the reason for the delay. All such extensions are approved at the state office level by the 60-Month Extension Committee.

DISCUSSION

The Appellant was receiving WV WORKS (WVW) program benefits for a single-parent household. Policy limits receipt of WVW benefits to a lifetime amount of 60 months. There are some provisions which allow a family to receive benefits for up to six months past the 60-month lifetime limit. Because the Appellant's WVW benefits were set to reach the 60-month lifetime limit in June 2023, the Appellant requested an extension based on participate in a vocational training/education activity. The 60-month Extension Committee denied the Appellant's request for an extension. The Appellant appealed this decision.

To qualify for consideration under the vocational training/education activity provision, the benefit recipient must be attending or enrolled to begin vocational training or an educational activity in the 55th month of WVW benefits. The Appellant did make a timely application for the extension, however, she was not attending or enrolled in vocational training or an educational activity in January 2023, her 55th month. Although the Appellant was referred to [REDACTED] in September 2022, she never enrolled or took steps to do so. It was only in January 2023 when she requested her college transcripts from [REDACTED] to start the enrollment process at [REDACTED]. The Appellant averred that although she was to begin applying to [REDACTED] as per her September 2022 [REDACTED], she was "too bogged down with being a single parent." Additionally, the Appellant stated that the classes she was interested in were not offered during the spring semester. However, the evidence showed that the Appellant did not take any steps to apply for admission to any college or vocational school.

It is noted that the Appellant was taking virtual SPOKES (Strategic Planning in Occupational Knowledge for Employment and Success) classes in her 55th month of WVW benefits, however, these classes do not meet policy criteria. The policy explains that educational activities are limited to literacy programs, high school, Adult Basic Education (ABE), vocational, and two- and four-year college programs. Vocational training is defined by policy as preparation for a specific occupation. SPOKES classes are job readiness classes and do not meet policy definitions as an educational activity or vocational training.

Because the Appellant was not enrolled or participating in vocational training or educational activity as defined by policy in her 55th month of WVW benefit receipt, the Respondent's decision to deny the Appellant's application for an extension of the 60-month WVW limit for benefits is affirmed.

CONCLUSIONS OF LAW

- 1) Policy limits WVW benefits to a lifetime receipt of 60 months.
- 2) Policy specifies circumstances wherein an extension of up to six months beyond the lifetime limit would be considered.

- 3) The Appellant did not demonstrate that she was enrolled in or participating in vocational training or an educational activity as defined by policy during the receipt of her 55th month of WVW benefit.
- 4) The Respondent's decision to deny the Appellant's application for an extension of the 60-month lifetime limit for WVW benefits is affirmed.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Respondent's decision to deny the Appellant's request for an extension of the 60-month lifetime limit for WVW benefits.

ENTERED this 31st day of May 2023.

Lori Woodward, Certified Hearing Officer