



February 24, 2026



RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 26-BOR-1135

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 HUMAN SERVICES (DoHS). These same laws and regulations are used in all cases to ensure 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,

Tara B. Thompson, MLS
Certified State Hearing Officer
Member, State Board of Review

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

cc: Kelly Coen and Brittany Lucci, Child Care Resource Center

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW**



Appellant,

v.

Action Number: 26-BOR-1135

**WEST VIRGINIA DEPARTMENT OF
HUMAN SERVICES
BUREAU FOR FAMILY ASSISTANCE,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for [REDACTED]. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual. This fair hearing was convened on February 18, 2026.

The matter before the Hearing Officer arises from the Respondent's decision on November 18, 2025, to initiate termination of the Appellant's Child Care benefits.

At the hearing, the Respondent appeared by Kelly Coen, Child Care Resource Center (CCRC). Appearing as a witness on behalf of the Respondent was Brittany Lucci, CCRC. The Appellant appeared and was self-represented. All witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Child Care Parent Services Agreement
- D-2 Client Job Search Calculator
- D-3 Child Care Certificate
- D-4 Child Care Parent Notification Letter Notice of Denial or Closure, Form CC-0179
- D-5 Provider Notification Letter
- D-6 Child Care Parent Notification Letter Notice of Denial or Closure, Form CC-0179
- D-7 Notification of New Applicants
- D-8 Hearing Request Form
- D-9 Child Care Subsidy Policy Excerpts

Appellant's Exhibits:

A-1 Email Correspondence

A-2 Erroneous copy of DoHS Child Care Parent Notification Letter Notice of Denial or Closure

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 child care benefits for Children [REDACTED] (Exhibits D-1 and D-3).
- 2) On November 18, 2025, the Respondent, by Kathryn Snider, issued a *Notice of Denial or Closure* to the Appellant's address of record advising: "You are no longer eligible for child care services because: Your 90 day job search will end 12/2/2025. Please submit verification of your next qualifying activity by 12/2/25 or your childcare case will close" (Exhibit D-4).
- 3) The *Notice of Denial or Closure* instructed that if the Appellant had questions to contact Ms. Snider at 304-455-0920 (Exhibit D-4).
- 4) On November 17, 2025, the Respondent issued a *Provider Notification Letter* to Glendale Child Development Center advising the Appellant was found ineligible for a child care certificate, effective December 2, 2025 (Exhibit D-5).
- 5) On December 1, 2025, the Appellant emailed Niki Crabtree, inquiring about his case closure, and advising that on December 15, 2025, he would, "start a job with [REDACTED] making \$20.50 an hour 40 days a week" (Exhibit A-1).
- 6) On December 1, 2025, Ms. Crabtree copied Kathryn Snider on her response to the Appellant's email and advised that a notice was issued to him on November 17, 2025, requesting that he submit verification of his qualifying activity by December 2, 2025 (Exhibit A-1).
- 7) On December 4, 2025, the Respondent, by Kathryn Snider, issued a *Notice of Denial or Closure* to the Appellant's address of record advising, "You are no longer eligible for child care services because: Alexander failed to submit verification of employment by the deadline of 12/2/25. Your child care case has closed 12/2/25. Please reapply if services are needed" (Exhibit D-6).
- 8) The bottom of the *Notice of Denial or Closure* reflected the Appellant's case number, indicated the created-on date, and specified it was form CC-0179 (Exhibits D-4 and D-6).
- 9) On December 9, 2025, the Appellant reported to Ms. Crabtree that he received the *Notice* mailed on December 4, 2025 and advised he could have submitted the verification if Kathryn Snider had reached out to him in response to his December 1, 2025 email (Exhibit A-1).

- 10) The Appellant was approved to receive child care benefits during job search for ninety (90) days, from September 3 through December 2, 2025 (Exhibit D-2).
- 11) The *Child Care Certificate* specified that the Appellant was approved for job search up to 8 hours per day, 5 days per week, while his wife worked 40 hours per week. The *Child Care Certificate* approved child care while both parents are in their activity (Exhibit D-3).
- 12) The *Child Care Certificate* reflected that child care eligibility began on September 3, 2025, and would end on December 2, 2025 (Exhibit D-3).
- 13) On September 3, 2025, the Appellant signed the *Child Care Parent Services Agreement* (Exhibit D-1).
- 14) Under Section IV (A)(2) of the agreement, the Appellant agreed to, “All conditions within the Child Care Certificate regarding use of care for only pre-approved times,” and “The Agency will not pay for child care provided while parents attend medical appointments, go shopping, or other non-work or school related activities” (Exhibit D-1).
- 15) Under Section IV(B)(8) and (9) of the agreement, the Appellant agreed to understanding, “That failure to abide by requirements in Section IV of this agreement will result in termination of the child care certificate and closure of the child care case” and “If the child care case is closed, the parents must reapply for services” (Exhibit D-1).
- 16) After the Appellant’s child care benefits were terminated, he reapplied (Exhibit D-7).
- 17) The Appellant supplied a copy of a *Notice* issued on December 4, 2025 that revealed multiple typographical errors, formatting inconsistent with the agency’s record, lacked a signature, and did not include the appropriate form indication, created-on date, or case number (Exhibit A-2).

APPLICABLE POLICY

West Virginia Child Care Subsidy Policy (CCSP) § 3.0 Family Eligibility provides that to be eligible for child care services, the family must verify activity requirements are being met.

WV CCSP § 4.0 Need for Child Care provides that to be eligible for child care assistance, families must demonstrate a need for care. For families with two parents in the home, both must be involved in a qualifying activity.

WV CCSP § 4.2 Job Search through § 4.2.1 Job Search Time provides that child care may be provided for three months for current recipients or new applicants who have lost employment or who have completed school and are looking for work. Recipients who meet eligibility requirements and request job search time shall be granted. Job search time will be approved for

job search activity 8 hours per day, 5 days per week, during the normal business hours for the selected job site.

WV CCSP § 14.3.10 ECE-CC-5 (DAY-0176) Child Care Certificate provides that upon approval of the family for child care services, the Child Care Certificate shall be printed via path. The original is given or mailed to the parent who may use it to purchase care according to the terms of the Certificate. The parent is to give the Certificate to the selected provider as proof of payment ... The provider must receive a new certificate from the parent by the expiration date to continue child care payment.

WV CCSP § 14.3.12 Parent Notification Letter provides that this letter is sent to child care parents to notify them of information regarding their eligibility for child care services. The original is sent to the parent, with a copy saved to People's Access To Help (PATH). DAY-0179 is used for case closure or child care certificate denials.

DISCUSSION

On December 2, 2025, the Respondent terminated the Appellant's child care benefits because he failed to submit verification of his qualifying job search activity. The Appellant contested the Respondent's termination of his child care benefits.

The Board of Review is required to follow the controlling State agency policies and cannot grant child care eligibility exceptions beyond the conditions stipulated within the agency's policies. Pursuant to the policy, to be eligible for child care services, the family must verify that their activity requirements are being met. Pursuant to the policy, families with two parents in the home must be involved in a qualifying activity to receive child care benefits. The Respondent bears the burden of proof and had to demonstrate by a preponderance of evidence that the Appellant was provided with adequate notice and did not comply with his activity requirements.

According to the evidence, the Appellant was notified on the *Child Care Certificate* that he was approved to use child care from September 3 through December 2, 2025, during his job search while his wife was working. On September 3, 2025, the Appellant signed his agreement to comply with the conditions of the *Child Care Certificate* and agreed to understanding that failure to abide by the *Child Care Parent Services Agreement* would result in termination of his *Child Care Certificate* and closure of the child care case. During the hearing, the Appellant did not dispute receiving the *Child Care Certificate* or agreeing to the *Child Care Parent Services Agreement*.

Pursuant to the policy, the child care provider must receive a new certificate from the parent by the expiration date to continue child care payment. During the hearing, the Appellant argued that he would not have continued using child care services beyond the allowable date if he was informed he had not met his eligibility requirements. However, the *Child Care Certificate* provided to the Appellant upon his initial approval clearly designated that the certificate only approved child care benefits during the permitted activities for the period specified.

When informing the Appellant of changes to his child care eligibility, the Respondent is required to issue a notice using Form DAY-0179. Pursuant to Exhibits D-4 and D-6, the Respondent met

this responsibility. The notice issued on November 18, 2025, was mailed to the Appellant's address of record, reflected the name of the issuer, and clearly indicated that child care benefits would end if verification of the Appellant's qualifying activity was not submitted by December 2, 2025. The notice supplied a telephone number to reach Kathryn Snider if he had any questions.

Although the Appellant's email correspondence indicated he did not receive the notice issued on November 18, 2025, he did not contest his receipt of the notice during the hearing. According to the submitted email correspondence, the Appellant affirmed his receipt of the notice issued on December 4, 2025. The Board of Review does not have the authority to resolve issues with mail delivery and can only determine if the Respondent correctly mailed notices to the Appellant's reported address as required by the policy and regulations. No reliable evidence was presented during the hearing to corroborate the Appellant had ongoing issues with the postal service or had reported any mailing issues to the postal service. Therefore, the preponderance of evidence demonstrated that the Respondent correctly followed the policy when notifying the Appellant of his verification requirements and impending case closure.

Pursuant to the emails submitted, the Appellant contacted Ms. Crabtree on December 1, 2025, and was informed of the issuance of the November 18, 2025 notice and his requirement to supply verification of participation in a qualifying activity by December 2, 2025. During the hearing, the Appellant argued that if Ms. Snider had replied to his email correspondence that he could have provided the verification. According to the Appellant's email correspondence, he asserted that he could only submit verification by email. Despite being notified by Ms. Crabtree of his verification requirements, the email correspondence did not reveal any attempt by the Appellant to submit qualifying activity verification via email to Ms. Crabtree or Ms. Snider.

The Appellant supplied a copy of a notice similar to the notices issued by the Respondent and contended it was supplied to him via email after he alerted the Respondent that he didn't receive notification. Multiple typographical errors were reflected on the notice. The supplied notice omitted information reflected on the official notices supplied by the Respondent. According to the preponderance of reliable evidence, the notice provided by the Appellant was not a copy of the official notice mailed by the Respondent. During the hearing, the Respondent's representative testified that the official notices submitted as evidence are the official records kept by the agency and that she did not recognize or have any record of the notice supplied by the Appellant. As the appearance of the notice submitted by the Appellant was clearly discrepant from the formal record, it was determined to be unreliable and not considered in the decision of the State Hearing Officer.

According to the evidence, the *Child Care Certificate* informed the Appellant of his qualifying child care benefit period during qualified activities. Pursuant to the evidence, the *Child Care Parent Services Agreement* verified the Appellant's agreement to comply with the conditions of the *Child Care Certificate* and the Appellant acknowledged that failure to comply would result in termination of the *Child Care Certificate* and closure of the child care case. The preponderance of evidence revealed that the Respondent issued notification to the Appellant at his address of record, on November 18, 2025, as required by the policy. As the evidence revealed the Appellant was notified he must supply verification of his qualifying job search activity by December 2, 2025, and failed to comply, the Respondent correctly terminate the Appellant's child care benefits.

CONCLUSIONS OF LAW

- 1) To be eligible for child care services, the family must verify that activity requirements are being met.
- 2) The Respondent is required to issue written notification to the client informing the client of changes to child care eligibility.
- 3) The preponderance of evidence demonstrated that the Respondent issued proper advanced notification to the Appellant's address of record informing him he must submit qualifying activity verification by December 2, 2025, or his child care benefits would be terminated.
- 4) The preponderance of evidence proved that the Appellant did not submit verification of his qualifying job search activity to the Respondent by the required date.
- 5) As the Appellant failed to comply with his requirement to verify his qualifying activity, the Respondent correctly terminated his child care benefits after December 2, 2025.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to terminate the Appellant's child care benefits after December 2, 2025.

ENTERED this 24th day of February 2026.

**Tara B. Thompson, MLS
Certified State Hearing Officer**