



March 19, 2026



RE: [REDACTED] v. WV DoHS  
ACTION NO.: 26-BOR-1301

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. 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,

Pamela L. Hinzman  
State Hearing Officer  
Member, State Board of Review

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

cc: Heather Stewart-Tichnell, WV DoHS

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

[REDACTED]

**Appellant,**

v.

**Action Number: 26-BOR-1301**

**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 West Virginia Office of Inspector General Common Chapters Manual. This fair hearing was convened on March 17, 2026.

The matter before the Hearing Officer arises from the Respondent's denial of Child Care assistance as outlined in a notice dated February 10, 2026.

At the hearing, the Respondent appeared by Heather Stewart-Tichnell, Subsidy Supervisor, Choices Child Care Resource and Referral. The Appellant was self-represented. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Child Care Parent Notification Letter Notice of Denial or Closure Denial Notification mailed on February 10, 2026
- D-2 Statement of [REDACTED] received by Respondent on October 24, 2025
- D-3 Statements of [REDACTED] received by Respondent on February 2, 2026
- D-4 Electronic Mail Transmission dated February 2, 2026
- D-5 Child Care Subsidy Policy and Procedures Manual Chapter 3.2.3

**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 Child Care benefits for her two children on January 13, 2026.
- 2) The Appellant's Child Care application was pended for additional verification.
- 3) The Appellant shares joint custody of her children with the children's father, [REDACTED]
- 4) The Appellant provided a written statement to the Respondent on February 2, 2026, indicating that her parenting plan called for her to have custody of the children from Tuesday night through Saturday. The statement indicates that the children's father would have custody of them from Sunday morning until 7 p.m. on Tuesday (Exhibit D-3).
- 5) The Appellant wrote that the children's father would not sign the statement she provided to the Respondent (Exhibit D-3).
- 6) The Respondent compared the Appellant's statement to a written statement provided by [REDACTED] on October 24, 2025. The document stated that [REDACTED] had custody of the children from Monday through Thursday evening and the Appellant had custody of them from Thursday to Monday (Exhibit D-2).
- 7) [REDACTED] indicated verbally on February 2, 2026, that the custody arrangement had not changed (Exhibit D-4).
- 8) Because the parents provided conflicting information, the Respondent denied the Appellant's Child Care application.
- 9) The Appellant was notified of the denial in a Child Care Denial Notification mailed on February 10, 2026. The notice states: "The reason for denial was due to having conflicting verifications of the said parenting plan arrangement and therefore not being able to establish the appropriate need for child care services for your custody days. Therefore, you are responsible for all child care expenses. You are welcome to reapply. Please note you will be required to submit a court ordered custody arrangement, along with a new child care subsidy application and other needed verifications" (Exhibit D-1).
- 10) The Appellant reapplied for Child Care benefits and was approved effective February 9, 2026.

## APPLICABLE POLICY

West Virginia Child Care Subsidy Policy and Procedures Manual Chapter 4.0, Need for Child Care, states:

To be eligible for child care assistance, families must demonstrate a need for care. In general, that means that the head of household must be involved in a qualifying activity that prevents the parent from providing care and supervision of the children in the household during the time the parent is participating in the activity. If there are two parents in the home, both must be involved in a qualifying activity. It is possible for a parent to meet all other eligibility requirements, but not demonstrate a need for care. For example, if the household consists of a single father and his two school age children, and he only participates in his qualifying activity during the times the children are in school, the family does not demonstrate a need for care. Child care recipients who do not use child care assistance for an extended period no longer demonstrate an established need for child care assistance and therefore may not remain an active case. (See procedures in Chapter 6, Section 6.1.4).

West Virginia Child Care Subsidy Policy and Procedures Manual Chapter 3.2.3 addresses joint custody and states:

In cases where parents have joint custody or share custody of their children and both parents are eligible to receive child care assistance, the parents shall have separate cases and shall be entered into PATH as two (2) families. Each parent is responsible for paying the fee on the days the child is in his or her custody. The amount of fee paid is determined as follows:

3.2.3.1. When the parents use different providers, each parent must pay the fee amount based on his or her income.

3.2.3.2 When the parents use the same provider, each parent shall pay the amount of the lowest assessed fee.

- A. To ensure that the provider is aware of the correct fee, both Child Care Certificates shall reflect the lowest assessed fee. The certificate reflecting the higher fee should be manually changed to the lower fee.
- B. To ensure that the provider receives full payment, the billing specialist shall only select and pay on the child's name linked to the case with the lowest assessed fee.
- C. Case Managers shall not close cases in this situation for inactivity unless both parent's cases reflect no activity for 90 days.

## **DISCUSSION**

Policy states that to be eligible for Child Care assistance, families must demonstrate a need for care. In general, that means that the head of household must be involved in a qualifying activity that prevents the parent from providing care and supervision of the children in the household during the time the parent is participating in the activity. In cases where parents have joint custody or share custody of their children and both parents are eligible to receive Child Care assistance, the parents shall have separate cases and shall be entered into PATH as two (2) families. Each parent is responsible for paying the fee on the days the child is in his or her custody.

The Respondent denied the Appellant's January 2026 Child Care application due to conflicting information concerning the days on which the Appellant had custody of her children. The Appellant's subsequent February 2026 Child Care application was approved after the Appellant submitted her new court-ordered custody agreement.

The Appellant testified that she mostly had the children in January 2026 because their father was ill. She contended that the children's father signed a statement indicating that she mainly cared for the children in January 2026; however, the Respondent's representative testified that the Department did not receive that information until after the Appellant's January 2026 application was denied. The Appellant stated that she had to pay privately for Child Care services from the time her January 2026 application was denied until her new application was approved in February 2026.

As the Respondent had conflicting information at the time of the Appellant's January 2026 application and could not determine her need for Child Care assistance, it correctly denied the Child Care application.

## **CONCLUSIONS OF LAW**

- 1) Policy states that to be eligible for Child Care assistance, families must demonstrate a need for care. Parents sharing joint custody shall have separate cases and shall be entered into PATH as two (2) families. Each parent is responsible for paying the fee on the days the child is in his or her custody.
- 2) Because the Respondent had conflicting statements from the Appellant and her children's father concerning the children's custody arrangement, it could not determine the Appellant's need for Child Care at the time of the January 2026 application.
- 3) The Respondent's decision to deny the Appellant's January 2026 Child Care application is affirmed.

**DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to deny the Appellant's January 2026 Child Care application.

**ENTERED this 19th day of March 2026.**

---

**Pamela L. Hinzman  
State Hearing Officer**