



July 21, 2026

RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 26-BOR-2237

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,

Kristi Logan
Certified State Hearing Officer
Member, State Board of Review

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

cc: Melissa Ballengee, [REDACTED] County DoHS

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

[REDACTED]

Appellant,

v.

Action Number: 26-BOR-2237

**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 July 21, 2026, on an appeal filed with the Board of Review on July 1, 2026.

The matter before the Hearing Officer arises from the June 23, 2026, decision by the Respondent to deny WV WORKS support payments for childcare assistance.

At the hearing, the Respondent appeared by Melissa Ballengee, Summers County DoHS. The Appellant represented herself. All witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

None

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 received WV WORKS caretaker relative cash assistance benefits for her two grandchildren, [REDACTED]
- 2) On April 29, 2026, the Appellant reported to the Respondent that her daughter had regained custody of [REDACTED]
- 3) On May 5, 2026, the Respondent sent a notice to the Appellant advising that she would no longer receive WV WORKS caretaker relative benefits after May 31, 2026.
- 4) The Appellant requested WV WORKS support payments for childcare for [REDACTED] for May 2026.
- 5) The Respondent sent a notice of denial on June 23, 2026, advising that the request for support payments had been denied as [REDACTED] were no longer in the Appellant's care.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 18 explains eligibility for WV WORKS support payments:

18.19.5 Allowable Support Service Payments for Caretakers

The Case Manager and the caretaker must discuss available services and assess needs during the interview, assessment process, and at reviews. The participant may also request services as needs arise; form DFA-SS-2 must not be required. Disposition to approve or deny the application for supportive services must be made within 10 working days of receipt of the request. DFA Family Support Policy Unit must be contacted for instructions to issue supportive services for caretakers. Support services may be issued during any month for which a WV WORKS payment is made. A home visit may be required if furnishings are requested. Caretakers and child only households are not required to be employed or attending any activity listed in IMM 18.9-18.18 in order to receive supportive services. Their income and assets are not considered unless they choose to be included in the benefit. **These payments are designed to assist the children in their care.** (emphasis added)

18.19.5.C Child Care

Payment is limited to caretaker relatives who need **childcare provided for TANF eligible children in their care** (emphasis added) who are under the age of thirteen. The caretaker relative may be attending training, other education activities or be employed. The Case Manager may also pay for childcare to be provided while caretaker relatives attend medical or personal appointments or are participating in other non-work-related activities. The caretaker relative must not be eligible for childcare payment from another source. He must apply for childcare assistance annually and receive a denial due only to excessive income from a Child Care Resource and Referral Agency or Division of Early

Care and Education. All other eligibility requirements to receive childcare assistance must be met. Providers approved by Division of Early Care and Education must be used and are paid monthly using current childcare payment rates once attendance sheets are received. Payment under this category is limited to \$1125 monthly per child and will be issued under collateral payment type. Payment rates are available online on the Division of Early Care and Education Child Care Assistance Policy and Procedure Manual Appendices.

West Virginia Income Maintenance Manual Chapter 10 explains case maintenance procedures:

10.5.2.B Timely Reporting

For WV WORKS cases, a client must report all changes in circumstances within 10 days. When a dependent child included in a WV WORKS payment will be absent from the home for a period of 30 consecutive calendar days or more, the parent or other caretaker must notify the Department of Human Services (DOHS) by the end of the fifth calendar day after the date it becomes clear to the parent/caretaker that the child will be absent for at least 30 days.

10.5.3 Effective Date of Change

The agency must act on reported changes to ensure the changes are effective in the next month's benefit, when advance notice requirements permit. Benefits must be restored to the client or repaid to the agency when changes cannot be made in a timely manner. See Chapter 11.

10.5.4.D.2 Deletions to Assistance Group

Deletions from the AG are effective the month after the change occurs and the advance notice period expires.

West Virginia Income Maintenance Manual Chapter 9 explains notice requirements:

9.3.1 Advance Notice Requirements

A client must receive advance notice in all situations involving adverse actions except those described in the Adverse Actions Not Requiring Advance Notice section below. The advance notice requirement is that notification be mailed to the client at least 13 days prior to the first day of the month in which the benefits are affected.

DISCUSSION

Pursuant to policy, WV WORKS support payments may be issued to caretaker relatives for childcare. To be eligible for childcare support payments, the caretaker must be employed or attending training, must not be financially ineligible for the childcare subsidy program and the TANF-eligible children in the caretaker's care must be under age 13.

The Appellant previously received WV WORKS support payments for childcare for [REDACTED]. On April 29, 2026, the Appellant reported that [REDACTED] moved out to live with their mother.

██████████ were removed from the Appellant's case, effective May 31, 2026. The Appellant requested childcare support payments for ██████████ for May 2026 and was denied as the children were no longer in her care.

The Appellant testified that her daughter was awarded custody of ██████████ on April 29, 2026, which she reported to her caseworker. The Appellant contended that her daughter applied for the childcare subsidy program, but she was required to provide a court-order showing that she had regained custody. The Appellant stated a copy of the court-order was not available until May 25, 2026, therefore her daughter was ineligible for the childcare subsidy in May 2026, leaving the Appellant with a \$1,500 childcare bill.

Policy stipulates that the Respondent must provide 13-days of advance notice when reducing or closing a benefit. The Appellant reported her grandchildren leaving the home on April 29, 2026, and due to notice requirements, she was eligible to receive WV WORKS cash assistance benefits for May 2026. However, the issuance of the WV WORKS benefit does not automatically entitle the Appellant to WV WORKS support payments. To qualify for childcare support payments, the caretaker must have care and control of the children. The Appellant did not dispute that ██████████ moved out shortly after the April 29 court date and were not members of her household in May 2026. The Appellant is not eligible for WV WORKS support payments for ██████████ for May 2026.

Whereas the Appellant's grandchildren moved out of her home and resided with their mother in May 2026, she is not eligible for WV WORKS support payments for childcare for ██████████

CONCLUSIONS OF LAW

- 1) WV WORKS support payments may be approved for caretaker relatives for pay for childcare.
- 2) The Appellant was receiving WV WORKS caretaker relative benefits for her grandchildren and support payments for childcare.
- 3) The Appellant reported that ██████████ moved back with their mother on April 29, 2026.
- 4) ██████████ did not reside with the Appellant in May 2026.
- 5) The Appellant is not eligible for WV WORKS support services for childcare.

DECISION

It is the decision of the State Hearing Officer to **uphold** the action of the Respondent to deny the Appellant's request for WV WORKS support payments for childcare.

ENTERED this 21st day of July 2026.

Kristi Logan
Certified State Hearing Officer