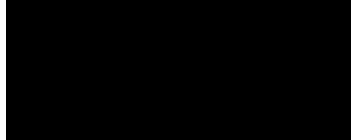




Ann Urling
Inspector General

July 23, 2026



RE: [REDACTED] v. WV DoHS
ACTION NO.: 26-BOR-2197

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-2197

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

Respondent.

AMENDED DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the amended decision of the State Hearing Officer resulting from a fair hearing for ██████████
██████████ Amendments are provided for clarification of the action needed to be taken by the Respondent. Reflected changes include inclusion of full policy excerpt, *Discussion -Notification* explanation, *Conclusions of Law*, and *Decision* instructions. 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 14, 2026.

The matter before the Hearing Officer arises from the Respondent's May 1, 2026 decision to terminate the Appellant's eligibility for child care benefits.

At the hearing, the Respondent appeared by Kelly Coen, Child Care Resource Center. Appearing as a witness for the Respondent was Brittany Lucci. 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, signed on May 7, 2025
- D-2 DoHS Application for Child Care Services, signed on May 7, 2025
- D-3 Earnings Statements
- D-4 Child Care Certificate, issued May 13, 2025
- D-5 Provider Notification Letter, dated May 13, 2025
- D-6 Child Care Parent Notification of Redetermination, dated March 20, 2026
- D-7 Completed Form, received on April 15, 2026
- D-8 ██████████ Weekly Statements
- D-9 Child Care Parent Notification Letter Notice of Denial or Closure, created March 16, 2026

- Provider Notification Letter-Parent's Eligibility for Child Care, dated April 16, 2026
- D-10 Self-Employment Ledger
 - D-11 Email Correspondence
 - D-12 Change of Information Notification
 - D-13 Child Care Parent Notification Letter Notice of Denial or Closure
 - D-14 Typed Policy 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) On May 1, 2026, the Respondent, by Katherine Snider, issued a notice advising the Appellant her child care eligibility would end after April 30, 2026, because she "failed to submit all verifications of self-employment to show eligibility with your April review" (Exhibit D-13).
- 2) On May 7, 2025, the Appellant completed and signed her *Application for Child Care Services* in person, and attested the information provided was true and complete to the best of her knowledge (Exhibit D-2).
- 3) On the Appellant's *Application*, she reported employment at [REDACTED], beginning on February 1, 2025. End date, hours worked, and address of employment was left blank (Exhibit D-2).
- 4) The Appellant did not list any self-employment on her *Application* (Exhibit D-2).
- 5) The Appellant agreed, by signature on her *Application*, to report any change within 5 working days which would affect her eligibility for child care services (Exhibit D-2).
- 6) To verify the income reported on her *Application*, the Appellant submitted *Earnings Statements* which reflected employment through [REDACTED]. According to the *Earnings Statements*, the Appellant worked 47.20 hours from April 7, through April 20, 2025; 52.25 hours from March 10, through March 23, 2025; and 31.88 hours from March 24, through April 6, 2025 (Exhibit D-3).
- 7) Beginning on May 7, 2025, the Respondent approved the Appellant's child care benefits based on the information supplied on her *Application* and *Earnings Statements* submitted to verify her income (Exhibits D-4 and D-5).
- 8) A *Child Care Certificate* was issued on May 13, 2025, approving Child [REDACTED] for child care services Monday through Friday, 9:00am-3:00pm (Exhibit D-4).

- 9) On May 7, 2025, the Appellant signed the *Child Care Parent Services Agreement*. Section IV *Parents' Responsibilities*, stipulates that "if a parent fails to fulfill the responsibilities listed below, the agency shall give a written warning regarding specific problems, noting that subsequent abuses may result in a 30 day penalty closure" (Exhibit D-1).
- 10) The Appellant agreed to all conditions within the *Child Care Certificate* regarding use of care for only pre-approved times (Exhibit D-1).
- 11) The Appellant agreed to renew the certificate every twelve months by completing a status check at least two weeks before the current certificate expires. Section IV.A.3 provides, "Failure to complete a status check and return it to the agency by the due date will result in case closure. The renewal application must be returned with all necessary verification to continue services" (Exhibit D-1).
- 12) The Appellant agreed to notify the Respondent of changes in activity status. Section IV.A.5 provides, "If the parent becomes unemployed ... the parent will not be eligible for child care services unless they have contacted the Agency, and been given consent to use services for 90 days to search for employment" (Exhibit D-1).
- 13) The Appellant agreed to all other rules and regulations governing the Child Care program and agreed to notify the Agency in writing within five (5) days if there is any change in the information provided during the application. Section IV.A.6 provides that changes that must be reported included a "change of employment" (Exhibit D-1).
- 14) The Appellant agreed under Section IV.B.8, to understanding that if she failed to abide by the Section IV requirements, her child care certificate would be terminated and her child care case would be closed. Under Section IV.B.9., the Appellant acknowledged understanding that if her child care case was closed, she must reapply for services (Exhibit D-1).
- 15) On March 20, 2026, the Respondent issued a *Child Care Parent Notification of Redetermination* which advised the Appellant she must complete the form and return it to the Respondent by April 15, 2026, and submit all needed verification with the form. The notice advised the Appellant's child care services would end after April 30, 2026, if the form was not completed and submitted (Exhibit D-6).
- 16) Pursuant to the form, verification of income to be submitted included:
- Copies of most recent pay stubs for at least one month's time, or
 - A completed "New Employment Verification Form" which shows monthly gross income or hourly wage and average number of hours worked weekly.
 - If income varies and there have been no changes in hourly wage or salary, three months of pay stub may be submitted.
 - If a person is self-employed, net income must be reported and verified by business and/or tax records (Exhibit D-7).
- 17) On April 15, 2026, the Appellant submitted her review form and listed [REDACTED] as her employer, beginning on March 9, 2026. On the form, the Appellant reported that she worked

Monday through Friday, for a total of forty hours per week, and that she earned \$843.77 monthly (Exhibit D-7).

18) The Appellant signed her attestation that the information she provided on the review form was true and complete to the best of her knowledge (Exhibit D-7).

19) On April 16, 2026, the Respondent issued a notice advising the Appellant she was ineligible for child care services because more information was needed for her case to remain eligible. According to the notice, the Appellant's child care benefits would end after April 30, 2026. The notice instructed the Appellant to submit:

Written statement of her last day worked at [REDACTED]
[REDACTED] Employment – please submit verification of hours worked in the last 30 days, this must coincide with the income reported. You must show you are working at least 20 hours per week and making at least \$8.75 per hour (Exhibit D-9).

20) On April 30, 2026, the Appellant submitted a *Self-Employment Ledger* for March 29 through April 30, 2026, and emailed the Respondent corresponding screenshots of her earnings. [REDACTED] reported income from [REDACTED] delivery as follows:

April 27 through May 4: \$61.39, for 11 hours and 39 minutes for 4 trips
April 20 through April 27: \$172.09, 20 hours and 54 minutes, for 12 trips
April 13 through April 20: \$198.68, for 10 hours and 39 minutes for 11 trips
April 6 through April 13: \$120.80, for 7 hours and 27 minutes, for 7 trips
March 30 through April 6: \$165.65 (Exhibits D-10 and D-11).

21) The screen shot earnings verifications do not indicate the source of income or the Appellant's name (Exhibit D-11).

22) On April 30, 2026, the Appellant submitted a *Change of Information Notification* form reporting loss of employment at [REDACTED] on May 1, 2025 (Exhibit D-12).

23) On the *Self-Employment Ledger*, the Appellant reported hours of work as follows:

Week 1: 12 hours
Week 2: 12 hours
Week 3: 18 hours
Week 4: 23 hours (Exhibit D-10).

24) From March 9 through March 16, 2026, the Appellant earned \$275.41; from March 23 to March 30, 2026, the Appellant earned \$347.63; from April 6 through April 9, 2026, the Appellant earned \$24.60 (Exhibit D-8).

25) The Appellant testified her last day of employment with [REDACTED] was March or April 2025.

26) The Appellant did not report her change of employment to the Respondent until April 15, 2026 (Exhibit D-7).

APPLICABLE POLICY

Code of Federal Regulations 45 CFR § 98.2 *Definitions* provides:

Eligible child means an individual who meets the requirements of § 98.20.

Code of Federal Regulations 45 CFR § 98.20(a) *A child's eligibility for child care services* provides that to be eligible for services under § 98.50, a child shall, at the time of the eligibility determination or redetermination:

- (3) (i) Reside with a parent or parents who are working or attending a job training or educational program; ...

Code of Federal Regulations 45 CFR §§ 98.11(a) and (b) *Administration Under Contracts and Agreement* provides that the Lead Agency has broad authority to administer the program through other governmental or non-governmental agencies. In retaining overall responsibility for the administration of the program, the Lead Agency shall:

- (1) Determine the basic usage and priorities for the expenditure of Child Care Development Fund (CCDF) funds;
- (2) Promulgate all rules and regulations governing overall administration of the Plan; ...
- (5) Oversee the expenditure of funds by subrecipients and contractors ...;
- (6) Monitor programs and services; ...
- (8) Ensure that all State and local or non-governmental agencies through which the State administers the program, including agencies and contractors that determine individual eligibility, operate according to the rules established for the program.

Code of Federal Regulations 45 CFR § 98.21(h) provides that the Lead Agency shall specify in the Plan any requirements for parents to notify the Lead Agency of changes in circumstances during the minimum 12-month eligibility period, and describe efforts to ensure such requirements do not place an undue burden on eligible families that could impact continued eligibility between redeterminations

(2) Any additional requirements the Lead Agency chooses, at its option, to impose on parents to provide notification of changes in circumstances to the Lead Agency or entities designated to perform eligibility functions shall not constitute an undue burden on families. Any such requirements shall:

- (i) Limit notification requirements to items that impact a family's eligibility (e.g., only if income exceeds 85 percent of SMI, or there is a non-temporary change in the status of the child's parent as working or attending a job training or educational program)

West Virginia Child Care Subsidy Policy (CCSP) § 2.5.4.11 *Parent Responsibilities* include reporting changes in circumstances within five days. Failure to report changes to the agency may result in case closure, repayment of services used for time not approved, and/or 30-day penalty closure before services can be reopened. Income changes during the twelve (12) month period will not impact a parent's continuing eligibility for care unless the parent requests a redetermination

due to decreases in income that might result in reduced fees. However, the parents shall report the following changes in circumstances to the provider and to the agency, as appropriate: ...

C. Changes in employment – place of employment or days and hours worked

E. Loss of employment or termination from educational or training programs.

F. Need for job search time. Job search time must be requested and approved by the agency.

WV CCSP § 3.0 *Family Eligibility* provides that to be eligible for child care services, the family must meet activity requirements. The child must need child care for a portion of the day.

WV CCSP § 3.2.1.3 *Family Criteria* provides that the child must reside with a family meeting employment criteria.

WV CCSP §§ 3.5 through 3.5.1.1 *Wage Requirements* provides that any recipient of child care assistance who is an employee of the private sector must be paid at least West Virginia minimum wage for all hours of work performed. If the recipient is not making at least the applicable West Virginia minimum wage for all work performed, the recipient will not be eligible for child care services. Self-employed child care recipients must make at least the current West Virginia minimum wage for each hour of work performed, to be eligible for child care services.

WV CCSP § 3.5.2 *Minimum Wage* is \$8.75 per hour. Employees who customarily receive gratuities must be paid at least \$6.13 per hour.

WV CCSP § 3.6.1 *Working Recipients* provides that any recipient of child care assistance who is an employee in the private or public sector must work at least 20 hours per week. If the recipient is not working at least 20 hours per week, the recipient will not be eligible for child care services.

WV CCSP § 4.0 *Need for Child Care* provides 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.

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 § 4.3.6.2 *Criteria for Approval of Self-Employment Activity* provides that parents must participate in self-employment activity a minimum average of 20 hours per week and show an income of at least minimum wage per hour.

WV CCSP § 4.3.6.4 *Criteria for Approval of Self-Employment Activity* and § 5.2.2.1.A *Methods of Verification* provide that self-employed clients with prior established self-employment must submit tax records to CCR&R by April 30 of each year to verify that business is producing taxable

income at the time of assistance. The client must provide a completed copy of their current tax return by April 30 of each year, including the 1040 form, 1040 Schedule C (Profit or Loss from Business), 1040 Schedule SE (Self-Employment Tax), and any other tax forms as required per type of self-employment.

WV CCSP § 5.2 *Monthly Gross Income* is the total amount of money, prior to deductions, received or earned monthly by the members of the family. Income received other than on a monthly basis must be converted to a monthly income.

WV CCSP §§ 5.2.2.1.B through E *Methods of Verification* provides that self-employed clients will be given the Self-Employment Ledger form (ECE-CC-1C) to track Income and expenses. Clients who chose not to use the ECE-CC_1C Form may substitute business records from an outside accountant or ledger books or other bookkeeping records.

The CCR&R reserves the right to request additional documentation, such as receipts or invoices as needed to verify income and expenses. The gross income from self-employment business activity shall be used to determine eligibility and amount of assistance if the information submitted by the parent is not sufficient to adequately determine net profit.

WV CCSP § 5.4 *Sources of Documentation/ Verification* provides that the methods acceptable or verifying most eligibility criteria can be found in the following chart. The working recipient must receive a non-subsidized wage or salary, either from an employer or through self-employment, to meet the definition of working All documents must be no older than 45 days except for the exceptions listed for child support, alimony, and tax records. Tax records must reflect the most recent period.

Item to Be Verified	Method of Verification
INCOME	1 months' worth of Check stubs
a. wages	ECE-CC-1B until the first regular pay period; then
b. salary	must verify through check stub.
c. incentive payments	Tax records
d. bonuses	
Profit from self-employment	Income tax records
	ECE-CC-1C
	Client business records

WV CCSP § 6.1.2.2 *Parent and Provider Notifications* provides that the parent needs to return the Status Review (ECE-CC-1E) with all required documentation/verification for work. If it is not returned by the 15th day, then the DAY-0613 Provider Certificate Notification Letter shall be sent to the child care provider notifying them of the parent closure effective the last day of the month. If it is returned, the case manager will evaluate the information considering current eligibility requirements and determination of continuing need.

WV CCSP § 6.1.2.4 *Status Check- Family Found Ineligible* provides that if the family is determined to be ineligible at status check, the CCR&R case manager shall issue the DAY -0179 Child Care Parent Notification of Denial or Closure, to notify the parent of termination of services and their right to appeal this action. The CCR&R case manager shall issue a DAY-0613 to notify

the provider that the family is no longer eligible for child care services. If the family returns the status check after the 15th day, and is found ineligible, the case manager shall issue a DAY-0179 informing the client that they are ineligible and that the previous closure notice for failure to return the review by the 15th day of the month remains in effect.

WV CCSP § 6.6 Negative Actions provides that any notification of negative action must be in writing on the Parent Notification Letter (DAY-0177 or DAY-0179), including denial of an application and termination of services. The form letter shall include the specific negative action, with citation of specific policy, and a description of any action, if applicable, on behalf of the client that resulted in the negative action Most negative actions affecting the recipients of child care, other than the denial of an application, cannot be taken until 13 calendar days after the client has been notified.

DISCUSSION

The Respondent, by CCRC, retroactively terminated the Appellant's child care benefit eligibility after April 30, 2026, because the Appellant did not verify that she met self-employment eligibility standards. During the hearing, the Appellant contested the closure of her child care benefits and argued that she submitted the required verification. Further, the Appellant argued that instead of having her child care terminated, she should have been eligible for a job search period after her employment loss.

Because the Board of Review lacks the authority to render judgment on the policy itself, the Hearing Officer may only decide whether the Respondent's action was taken according to the standing policies and regulations. Pursuant to the notice, the basis for the child care eligibility termination was the Appellant's failure to submit verification of self-employment to demonstrate eligibility with her April review. Therefore, the Respondent had to prove by a preponderance of evidence that the Appellant was ineligible for child care benefits because she failed to submit required self-employment verifications. Further, the evidence had to reveal that the Appellant was not entitled to a job search period and that proper advanced notice was issued.

Verification

During the hearing, the Appellant argued that the records requested by the Respondent were not consistent with the verifications required by policy. The policy lists examples of documents that may be submitted as verification for self-employment. According to the policy, the Respondent may request additional documentation to verify income and expenses. Pursuant to the evidence, the Appellant was notified in writing of her requirement to submit her review form and relevant verification by April 15, 2026, or her child care services would end after April 30, 2026. The evidence revealed that the Appellant reported that she worked Monday through Friday, forty hours per week, and earned \$843.77 monthly, beginning on March 9, 2026.

The March 20, 2026 notification specifically advised that if the Appellant was self-employed, her net income must be reported and verified by business and/or tax records. On April 16, 2026, a new notice was issued advising the Appellant needed to submit: a written statement of her last day at [REDACTED]; and verification of hours worked at [REDACTED] in the last 30 days which coincides

with the income reported. Further, the April 16, 2026 notice indicated that the submitted verification must demonstrate that she worked at least 20 hours per week and made at least \$8.75 per hour.

During the hearing, the Appellant testified her last day of [REDACTED] employment was in March or April 2025, and that she began delivery work in May 2025, approximately. Pursuant to the evidence, the Appellant was still employed at [REDACTED] in April 2025. On April 30, 2026, the Appellant submitted a *Change of Information Notification*, which stated her loss of employment at [REDACTED] occurred on May 1, 2025. Pursuant to the Appellant's submitted status review form, she reported she began delivering for [REDACTED] on March 9, 2026.

The Appellant's [REDACTED] statements conflict with the information reported on the Appellant's self-employment ledger. According to the [REDACTED] weekly statement, the Appellant earned \$24.60 for the period of April 6 through April 9, while the self-employment ledger and earnings screen shots reflected earnings of \$120.80 for the same week. The screen shots given to support the self-employment ledger statements did not reveal the name of the employer or the recipient of the earnings and were not supported by additional [REDACTED] weekly statement submissions. Further, the weekly hours reported on the self-employment ledger did not reasonably match up to the hours reflected on the screen shots.

Testimony provided by the Appellant regarding her work history was inconsistent with the documentary evidence. Because the provided information regarding the Appellant's earnings for the requested period is inconsistent, it cannot be relied upon to verify that the Appellant met the hourly and wage-earning requirements to establish eligibility.

Pursuant to the submitted evidence, the Appellant did not supply a written statement of her last day at [REDACTED]. The supplied information did not reliably verify the hours the Appellant worked at [REDACTED] in the preceding 30 days to her status review and did not coincide with the income reported. Further, the information supplied by the Appellant did not verify that she worked at least 20 hours per week and made at least \$8.75 per hour. The preponderance of evidence submitted revealed that the Appellant was afforded a reasonable opportunity to submit the requested information but failed to do so.

Qualifying Activity

Federal regulations define an eligible child as one who resides with a parent who is working. For self-employment to be approved as a qualifying activity, the policy provides that the client must participate in self-employment at a minimum average of 20 hours per week and show an income of at least minimum wage per hour. According to the policy West Virginia minimum wage is \$8.75 per hour.

As the submitted information failed to verify that the Appellant was engaged in self-employment for a minimum average of 20 hours per week or that she earned at least \$8.75 per hour, the Appellant's self-employment failed to constitute a qualifying activity.

Job Search

According to the policy, child care may be provided for three months for current recipients who have lost employment ... and are looking for work. The policy specifies that recipients who meet eligibility and request job search time shall be granted. During the hearing, the Appellant argued that because she lost employment, she was entitled to job search time.

According to the federal regulations, the State Agency has authority to promulgate rules to administer the Child Care Development Fund (CCDF) program, including rules requiring parents to notify the Respondent of changes in circumstances during the eligibility period. The *Child Care Parent Services Agreement* specifically instructed that if the Appellant became unemployed, she would not be eligible for child care services unless she contacted the Respondent and received consent to use services for 90 days to search for employment. The Appellant applied her signature, agreeing that she would notify the Respondent of changes in her activity status in writing within five days of the change.

During the hearing, the Appellant's testimony affirmed that she did not notify the Respondent of her change in employment until she completed the status check form. As the evidence revealed that the Appellant did not contact the Respondent within five days of a change in her activity status, she was not entitled to receive child care for three months while she looked for work.

Notification

While the Appellant was previously notified that her case would be closed after April 30, 2026, if she failed to submit verification, the policy requires issuance of a *Child Care Parent Notification of Denial or Closure* if the client is determined ineligible at the status check. Based on the information submitted by the Appellant to verify her income, the Respondent determined the Appellant was ineligible for ongoing child care and issued the May *Child Care Parent Notification of Denial or Closure*. Pursuant to the policy, this notice must include the specific negative action, citation of specific policy, and the description of any action on behalf of the client that resulted in the negative action. The proposed negative action may not be taken until 13 calendar days after the client has been notified.

The May 2026 *Child Care Parent Notification Letter Notice of Denial or Closure* provided a retroactive termination of child care eligibility to April 30, 2026. The listed basis of termination on the notice was a failure to submit self-employment verification. The provided policy sections referenced the wage and hourly requirements for self-employment and the requirement to submit State of West Virginia Business Registration, which was not requested on any of the verification request documents. Ms. Coen testified that the basis for terminating the Appellant's child care benefits differed from the notice issued in May 2026, and that the basis for termination was the Appellant's failure to submit verification to support qualifying hours and wages.

The policy permits the Respondent to terminate a client's child care eligibility when income verifications fail to prove that the client is meeting the hourly and wage requirements. However, the advanced notification standards must be met prior to terminating the client's eligibility.

While the May *Notice* provided conflicting information between the termination and policy basis, a thorough review of the policy and other notices provided, in combination with the Appellant's

ability to contest the Respondent's action, demonstrated that the Appellant was not prejudiced by the May notice. According to the policy, if the Appellant fails to return the status check after the 15th day and is found ineligible, the Respondent is permitted to issue a new DAY-0179 notice informing the client of ineligibility and affirming the previous closure notice for failure to return the review by the 15th day of the month.

The March status check form instructions only required the Appellant to submit verification of self-employment through business or tax records and did not clarify that hour and wage verification was required; however, on April 17, 2026, a new notice was issued specifying that verification must prove the Appellant was meeting hourly and wage requirements. Although the verification requests, were inconsistent regarding what must be submitted, the Respondent granted the Appellant until April 30, 2026, to submit the information. While the Appellant made subsequent attempts to comply with the verification required by April 30, 2026, the information she submitted did not demonstrate that she met the hourly and wage requirements for child care eligibility. Because the Appellant was granted subsequent opportunities to submit the required verification, she was not prejudiced by the conflicting notices issued.

While the Appellant did not contest her knowledge that she had to meet the hourly and wage requirements, in the future, the Respondent should strive for consistency between notices so that the client is provided with clear instruction regarding what must be submitted to verify employment so that the client may be clear about the Respondent's verification expectations. As the Respondent's policy permits subsequent issuance of retroactive termination notice, the issued notices meet the federal noticing requirements and the original date of termination must be upheld.

CONCLUSIONS OF LAW

- 1) Child care may be provided for three months for current recipients who have lost employment and are looking for work when the recipient meets eligibility and requests job search. The Appellant was required to notify the Respondent within five days of her change of activity status.
- 2) As the evidence revealed that the Appellant did not notify the Respondent within five days of a change in her activity status, she was not entitled to receive child care for three months while she looked for work.
- 3) For self-employment to be approved as a qualifying activity, the policy provides that the client must participate in self-employment at a minimum average of 20 hours per week and show an income of at least minimum wage per hour. According to the policy West Virginia minimum wage is \$8.75 per hour.
- 4) The preponderance of evidence failed to prove that the Appellant was engaged in self-employment for a minimum average of 20 hours per week or that she earned at least \$8.75 per hour.

- 5) The Appellant was required to submit a written statement of her last day at [REDACTED] verification of hours worked at Uber Eats which coincided with the income she reported, and verification that she worked at least 20 hours per week and made at least \$8.75 per hour.
- 6) The preponderance of evidence failed to prove that the Appellant submitted reliable verification of her self-employment income.
- 7) When a family is determined to be ineligible at status check, the CCR&R case manager shall issue the *Child Care Parent Notification of Denial or Closure*, which includes the specific negative action, with a citation of specific policy, and a description of any action on behalf of the client that resulted in the negative action. The proposed termination of child care cannot be taken until 13 calendar days after the client has been notified.
- 8) The preponderance of evidence proved that the Respondent issued proper advanced notice to the Appellant before terminating child care benefits.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to terminate the Appellant's child care eligibility.

ENTERED this 23rd day of July 2026.

Tara B. Thompson, MLS
Certified State Hearing Officer