



August 26, 2026

[REDACTED]

RE: [REDACTED] v. WV DOHS
ACTION NO.: 26-BOR-2284

Dear Ms. [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,

Amy Hayes
State Hearing Officer
Member, State Board of Review

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

cc: Chelsie Hunt, Connect Child Care Subsidy Supervisor

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

██████████

Appellant,

v.

Action Number: 26-BOR-2284

**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 ██████████. 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 August 6, 2026, on an appeal filed July 10, 2026.

The matter before the Hearing Officer arises from the July 1, 2026 decision by the Respondent to terminate the Appellant's Child Care Subsidy Program benefits.

At the hearing, the Respondent appeared by Chelsie Hunt, Connect Child Care Subsidy Supervisor. The Appellant 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 Notification of Redetermination from Department of Human Services (DoHS) to ██████████ dated May 23, 2026
- D-2 Child Care Assistance Status Check signed by ██████████ on May 28, 2026, and Pay Stubs of ██████████ for check dates April 17, 2026 to May 29, 2026
- D-3 Child Care Parent Notification Letter Notice of Denial or Closure titled "Pending" from DoHS to ██████████ dated June 2, 2026
- D-4 Child Care Subsidy Policy Section 7.2.6.3
- D-5 Child Care Parent Notification Letter Notice of Denial or Closure titled "Closure" from DoHS to ██████████ dated July 1, 2026
- D-6 Request for Hearing received date July 10, 2026
- D-7 Email between Supervisor Chelsie Hunt and Division of Early Care and Education Child Care Policy Specialist Denise Richmond dated July 10, 2026

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 Child Care Assistance for her daughter [REDACTED] (Exhibit D-2)
- 2) On May 23, 2026, the Respondent notified the Appellant that she was required to submit information for a redetermination of her eligibility for child care services which was due by June 15, 2026. (Exhibit D-1)
- 3) The Appellant was required to verify her eligibility, which required her to complete a status check form, and prove her need for child care, West Virginia residency, income, and citizenship. (Exhibit D-2)
- 4) On May 28, 2026, the Appellant submitted the status check form, pay stubs for check dates April 17, 2026 to May 29, 2026, and her West Virginia driver's license. (Exhibit D-2)
- 5) On the status check form, the Appellant indicated that she worked at "[REDACTED]" and that her daughter's child care provider was [REDACTED]. (Exhibit D-2)
- 6) The Appellant's employer, [REDACTED] is the entity that owns [REDACTED] the child care provider that cares for [REDACTED]
- 7) On June 2, 2026, the Respondent notified the Appellant that her child care services were pending and that further verifications were needed in order to complete her renewal. (Exhibit D-3)
- 8) The June 2 notice stated that a "Letter from Employer Stating you Do Not Work in the Same Room as your Child" must be "completed on letterhead by Director and signed/dated" and must be received by June 30, 2026, or the Appellant's case would be closed. (Exhibit D-3)
- 9) The Appellant did not submit the letter from her employer by June 30, 2026.

- 10) On July 1, 2026, the Respondent notified the Appellant that she was no longer eligible for child care services because she failed to complete her childcare review as required. (Exhibit D-5)
- 11) By hearing request received by the Respondent on July 10, 2026, the Appellant requested a hearing because she had previously submitted a letter from her employer stating that she did not work in the same room as her child and contested being made to submit it again. (Exhibit D-6)

APPLICABLE POLICY

Bureau for Family Assistance (BFA) Child Care Subsidy Policy and Procedures Manual Section 2.5.4 describes Parent Responsibilities and provides, in pertinent part:

2.5.4. Parent Responsibilities

As a recipient of child care services, the parent has the following responsibilities:

2.5.4.13. Renewing the certificate by completing a status check at least 2 weeks before the current certificate expires. The CCR&R agency will send a status check to the client, by mail, 30 days before the certificate expires. However, it remains the parent's responsibility to obtain and complete a status check to renew the certificate.

2.5.4.14. Submitting changes in circumstances during the status check completed every twelve (12) months after initial application. A new Certificate will be sent to parents every twelve (12) months based on successful completion of the status check. Status checks verify income and continuing need for services.

BFA Child Care Subsidy Policy and Procedures Manual Chapter 6 describes Client Case Management & Continued Contact and provides, in pertinent part:

6.0. Client Case Management Overview

It is the responsibility of the CCR&R agency to maintain an eligible case load by having continued contacts with families, reviewing the case record as needed, and comparing the case record to provider payment requests as needed. The importance of contact with parents cannot be over emphasized. Contacts with parents shall be used to:

- ☐ Determine continued need for child care services.
- ☐ Determine if child care arrangements are satisfactory.
- ☐ Be updated on changes in the family's situation, and
- ☐ Offer support through linkage with community resources.

Once deemed eligible, the child shall receive services "at least at the same level" for the duration of the eligibility period. This means that the benefit cannot be reduced during the twelve-month period.

If the parent reports changes within the eligibility period that would increase the family's benefit, the case manager must reassess the case to and make the appropriate increase in the family's benefit.

6.1. Case Management PATH Ticklers

The CCR&R case manager should review their PATH ticklers monthly.

6.1.1. Redetermining Eligibility: The Status Check

The financial eligibility of each family receiving child care services shall undergo a status check periodically. Although status checks must be done by mail, staff are encouraged to have personal contact with parents at this time. This may best be accomplished with a telephone interview. After status checks or other contacts with the family, the case manager should document the case notes in the PATH Contact screen, enter the necessary recordings and changes in the PATH record and send proper notices to the parent.

The CCR&R case manager will be notified via PATH Tickler when redeterminations are due. A status check must be completed on each case during the twelfth month of the current service period, or more frequently as needed.

For example: If a status check or approval was completed January 20, 2018, the next status check is due February 1, 2019. PATH will consider the status check overdue as of the last day of the month February 28, 2019. If an assessment is not entered in PATH within 60 days of the due date (April 30, 2019) PATH will no longer process payments to the provider. Every effort should be made to enter status checks in a timely manner. In rare instances where status checks are not entered within 60 days, and payment is due to the provider, payment should be sent to the Division of Early Care and Education for completion.

6.1.2. Procedures for Completion of Status Checks

The CCR&R case manager shall review their PATH Ticklers monthly for a listing of cases due for status checks.

6.1.2.1. Status Check Time Frames

When a status check is due, the DAY-0612, Notification of Redetermination, and the Status Review (ECE-CC-1E) form will be mailed to the parent. The family will be asked to complete and return the form. The status check form shall be mailed no later than the first day of the month, with the due date on the 15th day of the month and closure date 13 days later or the last day of the month.

For example: For a status check due in August, the Child Care Parent Notification and Status Check/Review form are mailed no later than August 1. The dates on the notification letter shall indicate to return by August 15th to be closed on August 31st. The return date at the top of the Status Check/Review form should be August 15th.

6.1.2.2. Parent and Provider Notifications

The parent needs to return the Status Review (ECE-CC-1E) with all required documentation/verification for work, school, and income. 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. If the case remains eligible, the case manager is to complete an assessment in PATH, so services may continue. If an assessment is not completed within sixty days of the due date, PATH will not allow further payment to be made.

6.1.2.3. Status Check – Continued Eligibility

When a family is determined to remain eligible at status check, the CCR&R case manager shall issue the DAY-0176 Child Care Certificate to notify the parent of on-going eligibility and/or change of fees. The parent(s) shall then take the certificate to the provider. The certificate is to be signed by both the parent and provider. Upon completion of the status check, an entry will be made into the PATH case of all information to update the record.

6.1.2.4. Status Check – Family Found Ineligible

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.

6.1.2.5. Status Check – Case Closures

The case managers should request the case for closure no later than noon on the first working day of the month. The supervisor should have all cases approved for closure by the end of the day on the first working day of the month.

BFA Child Care Subsidy Policy and Procedures Manual Section 7.2.6 provides, in pertinent part:

7.2.6. Eligibility for Provider's and/or Child Care Employee's Children

7.2.6.1. Payment may not be made to a provider to care for their own children. Child care center owners, family child care homes and family child care facility owners are

therefore not eligible for subsidized child care assistance when their child attends their parent's facility.

7.2.6.2. Since the provider's own children are considered in the staff/child ratio in family child care homes and family child care facilities, family providers and facility operators are not eligible for subsidized child care for their own children while they care for other children. They also may not send their children to another caregiver to increase their own capacity.

7.2.6.3. Eligibility for Center Employees - Employees of child care centers who are financially eligible for subsidy may use their employer's child care center, as long as the employee does not supervise his or her own child. The center director shall provide a letter verifying this. Although family child care facilities also have employees, due to the limited space and staffing levels in a family child care facility and the difficulties in insuring supervision will not fall on the parent, children of a family child care facility employee are not eligible to use the employer's child care facility. They may, however, place their children with another provider.

DISCUSSION

The Appellant has appealed the decision of the Respondent to close her child care services because she did not submit requested verifications to complete a redetermination review. The Respondent bears the burden of proof and must show by a preponderance of the evidence that it correctly closed the Appellant's child care services benefits.

On May 23, 2026, the Respondent notified the Appellant that she was required to submit information for a redetermination of her eligibility for child care services which was due by June 15, 2026. Pursuant to policy, redetermination is completed through a status check, which must be completed on each child care services case during the twelfth month of the current service period, or more frequently as needed. The Appellant completed the status check form as requested, and submitted the form, pay stubs for check dates April 17, 2026 to May 29, 2026, and her West Virginia driver's license, by May 28, 2026, before the due date.

The Appellant reported that she works at "[REDACTED]." The Respondent's representative, Chelsie Hunt, testified that the Appellant's employer, [REDACTED], is the entity that owns [REDACTED], the child care provider that cares for the Appellant's child. The Appellant testified that she works in the same child care center that cares for her child. On June 2, 2026, the Respondent notified the Appellant that her child care services were pending and a "Letter from Employer Stating you Do Not Work in the Same Room as your Child" must be "completed on letterhead by Director and signed/dated" in order to complete her renewal. The due date given was June 30, 2026, but Appellant did not submit the letter from her employer by the due date. On July 1, 2026, the Respondent notified the Appellant that she was no longer eligible for child care services because she failed to complete her child care review as required.

The Appellant argues that she had previously submitted a letter stating that she did not work in the same room as her child, and contests being made to submit such a letter again. The Appellant argues that her child care services should not have been closed when she failed to submit the letter. Pursuant to policy, employees of child care centers who are financially eligible for subsidy may use their employer's child care center, as long as the employee does not supervise his or her own child. Policy also states that the center director shall provide a letter verifying this.

Policy does not explicitly state that a letter verifying that a child care center employee does not work in the same room as their child must be submitted yearly, or at each redetermination. However, the policy states that the Respondent must periodically determine continued need for child care services. Ms. Hunt testified that clients receiving child care services benefits may switch jobs. The Appellant testified that employees of child care centers can work in different rooms.

Because a child care center employee who works in the same room as their child does not need child care services, the Respondent must determine whether a child care center employee works in the same room as their child at redetermination to establish continuing eligibility. The actions of the Respondent to require the Appellant to show that she did not work in the same room as her child at the child care center at redetermination are affirmed.

CONCLUSIONS OF LAW

- 1) A recipient of child care services is required to verify continuing eligibility every year through a redetermination, and the Appellant was required to submit a status check form, verify her work, income, citizenship, and residency, by June 15, 2026.
- 2) The Appellant showed that she needs child care services because she works.
- 3) The Appellant works in the same child care center that cares for her child, and child care center employees are considered to not need services if they supervise their own child.
- 4) The Respondent is required to determine continued need for child care services at redetermination, and on June 2, 2026, the Respondent requested documentation to show that the Appellant did not supervise her own child at the child care center where she worked.
- 5) The Appellant did not submit the requested letter verifying that she does not work in the same room as her child, and the Respondent correctly closed her child care services benefits on July 1, 2026.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the action of the Respondent to close the Appellant's child care services benefits.

ENTERED this 26th day of August 2026.

**Amy Hayes
State Hearing Officer
Member, Board of Review**