



September 8, 2026

[REDACTED]

RE: [REDACTED] v. WV DOHS
ACTION NO.: 26-BOR-2422

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,

Amy Hayes
State Hearing Officer
Member, State Board of Review

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

cc: William Smalley, Connect Child Care Subsidy Case Manager
[REDACTED] Appellant Representative

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

████████████████████,

Appellant,

v.

Action Number: 26-BOR-2422

**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 25, 2026, on an appeal filed on July 30, 2026.

The matter before the Hearing Officer arises from the decisions by the Respondent on June 23, 2026, and July 17, 2026, to deny the Appellant's applications for Child Care Subsidy Program benefits.

At the hearing, the Respondent appeared by William Smalley, Connect Child Care Subsidy Case Manager. Appearing as a witness for the Respondent was Chelsie Hunt, Connect Child Care Subsidy Supervisor. The Appellant was represented by ██████████. The Appellant was present and testified on his own behalf. All witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Application for Child Care Services for ██████████ dated July 8, 2026
- D-2 Order Granting Minor Guardianship with Notice of Filing date June 11, 2026
- D-3 Notice titled "Notification of New Applicants" to ██████████ from Department of Human Services (DoHS) dated July 8, 2026
- D-4 Child Care Subsidy Policy Section 4.7.2.2
- D-5 Child Care Parent Notification Letter Notice of Denial or Closure from DoHS to ██████████ dated June 23, 2026
- D-6 Letter from ██████████ dated July 7, 2026, and Medical Verification

- D-7 Child Care Subsidy Policy Section 4.7.2
- D-8 Email between Supervisor Chelsie Hunt and Division of Early Care and Education Child Care Policy Specialist Denise Richmond dated July 17, 2026
- D-9 Child Care Parent Notification Letter Notice of Denial or Closure from DoHS to [REDACTED] dated July 17, 2026

Appellant's Exhibits:

- A-1 Request for Fair Hearing for Applicant [REDACTED] dated July 28, 2026
- A-2 Memorandum of Law in Support of Request for Fair Hearing by Applicant [REDACTED] submitted by [REDACTED]
- A-3 Order Granting Minor Guardianship filed on June 11, 2026
- A-4 Letter from [REDACTED] dated July 7, 2026, and Medical Verification
- A-5 Child Care Parent Notification Letter Notice of Denial or Closure from DoHS to [REDACTED] dated June 23, 2026
- A-6 Letter to Connect Child Care Resource & Referral from [REDACTED], on behalf of [REDACTED] dated July 14, 2026, and accompanying documentation
- A-7 Child Care Parent Notification Letter Notice of Denial or Closure from DoHS to [REDACTED] dated July 17, 2026
- A-8 Child Care Subsidy Policy Section 4.7.2.2
- A-9 Child Care Subsidy Policy Sections 6.5.2 and 6.5.2.1
- A-10 Connect Acceptable Verifications

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) In June of 2026, the Appellant and his wife, [REDACTED] became the legal guardians of their three (3) minor grandchildren, all of whom are six (6) years old or younger. (Exhibit A-3)
- 2) The Appellant applied for child care services in June of 2026, to assist him with paying for the care of his grandchildren while he is at work. (Exhibit D-1)
- 3) The Appellant works full time at [REDACTED] (Exhibit D-1)
- 4) [REDACTED] has been determined to be disabled by the Social Security Administration since at least 2025, and suffers from multiple medical problems which will not improve. (Exhibit D-1, Exhibit D-6)

- 5) The Respondent denied the Appellant's application for child care services on June 23, 2026, because the Appellant failed to provide verification of a qualifying activity for [REDACTED]. (Exhibit D-5)
- 6) On July 7, 2026, [REDACTED] doctor, [REDACTED], wrote a letter which states that [REDACTED] is "Medically unstable to independently provide safe care and supervision for three minor children, including an infant and toddler during a normal workday" because she has "cardiac problems." (Exhibit D-6)
- 7) The Appellant reapplied for child care services on July 8, 2026. (Exhibit D-1)
- 8) On July 8, 2026, the Respondent notified the Appellant that he must supply information regarding a policy exception approval for his wife, [REDACTED] and referenced policy section 4.7.2.1. "Hospitalization, Surgery, and Post Hospitalization/Surgery Recovery." (Exhibit D-3)
- 9) On July 10, 2026, [REDACTED] completed a "Medical Verification" form stating that [REDACTED] is diagnosed with "Paroxysmal Atrial Fibrillation, Major Depression, and Irritable Bowel Disorder," and that she has "shortness of breath" and "will have difficulty taking care of kids," which will be "life long." (Exhibit D-6)
- 10) The Appellant submitted the medical documentation regarding [REDACTED] condition to the Respondent on July 15, 2026. (Exhibit D-6)
- 11) On July 16, 2026, the Respondent's worker Chelsie Hunt, Connect Child Care Resources & Referral Agency Supervisor, emailed an employee of the Respondent's Division of Early Care and Education, Denise Richmond, to inform her that the Appellant had requested a medical policy exception. (Exhibit D-8)
- 12) On July 17, 2026, Denise Richmond emailed Chelsie Hunt that the Appellant's family did not meet the criteria for a medical exception and the case would need to be denied. (Exhibit D-8)
- 13) On July 17, 2026, the Respondent notified the Appellant that his application for child care was denied because he failed to provide verification of qualifying activity for [REDACTED] and the request for a medical policy exception was denied. The notice references policy section 4.0 "Need for Child Care." (Exhibit D-9)
- 14) On July 28, 2026, the Appellant requested a fair hearing to appeal the denials of child care services. (Exhibit A-1)
- 15) The Appellant's household is not a recipient of WV WORKS.

APPLICABLE POLICY

Title 45 of the United States Code of Federal Regulations (CFR) Section § 98.1 describes the Purposes of the Child Care and Development Fund (CCDF), in pertinent part (emphasis added):

§ 98.1 Purposes.

(a) The purposes of the CCDF are:

- (1) To allow each State maximum flexibility in developing child care programs and policies that best suit the needs of children and parents within that State;**
- (2) To promote parental choice to empower working parents to make their own decisions regarding the child care services that best suits their family's needs;
- (3) To encourage States to provide consumer education information to help parents make informed choices about child care services and to promote involvement by parents and family members in the development of their children in child care settings;
- (4) To assist States in delivering high-quality, coordinated early childhood care and education services to maximize parents' options and support parents trying to achieve independence from public assistance;
- (5) To assist States in improving the overall quality of child care services and programs by implementing the health, safety, licensing, training, and oversight standards established in this subchapter and in State law (including State regulations);
- (6) To improve child care and development of participating children; and
- (7) To increase the number and percentage of low-income children in high-quality child care settings.

(b) The purpose of this part is to provide the basis for administration of the Fund. These regulations provide that State, Territorial, and Tribal Lead Agencies:

- (1) Maximize parental choice of safe, healthy and nurturing child care settings through the use of certificates and through grants and contracts, and by providing parents with information about child care programs;
- (2) Include in their programs a broad range of child care providers, including center-based care, family child care, in home care, care provided by relatives and sectarian child care providers;
- (3) Improve the quality and supply of child care and before- and after-school care services that meet applicable requirements and promote healthy child development and learning and family economic stability;
- (4) Coordinate planning and delivery of services at all levels, including Federal, State, Tribal, and local;
- (5) Design flexible programs that provide for the changing needs of recipient families and engage families in their children's development and learning;
- (6) Administer the CCDF responsibly to ensure that statutory requirements are met and that adequate information regarding the use of public funds is provided;
- (7) Design programs that provide uninterrupted service to families and providers, to the extent allowed under the statute, to support parental education, training, and employment and continuity of care that minimizes disruptions to children's learning and development;**

(8) Provide a progression of training and professional development opportunities for caregivers, teachers, and directors to increase their effectiveness in supporting children's development and learning and strengthen and retain (including through financial incentives and compensation improvements) the child care workforce.

Bureau for Family Assistance (BFA) Child Care Subsidy Policy and Procedures Manual Chapter 3 describes Determination of Family Eligibility and provides, in pertinent part:

3.0. Family Eligibility

To be eligible for child care services, the family must verify the identity of the head of household, meet WV residency requirements, income requirements, and activity requirements. A child must meet age and WV residency requirements, need child care for a portion of the day, and reside with the head of household applying for services.

3.2. Family Criteria

The child must reside or live at the same address, with a family meeting the following criteria: the family('s):

3.2.1. Eligibility Guidelines:

Monthly gross income, by family size, falls within the eligibility guidelines in Appendix A,

OR

Receives TANF benefits (not including TANF benefits received for children only- see 3.2.3.) and is participating in:

3.2.1.1. WV Works approved training and education activities.

3.2.1.2. Self-initiated training and education activities.

3.2.1.3. Employment; **OR**

3.2.1.4. Is receiving TANF for children only. However, families receiving TANF for children only must meet monthly gross income by family size.

3.2.2. Two Parent Households

If both parents, or a parent and stepparent are in the home, child care services cannot be approved for work or training related needs unless both are participating in a qualifying activity, such as working or attending school/training.

BFA Child Care Subsidy Policy and Procedures Manual Chapter 4 describes Determination of Need for Child Care and provides, in pertinent part:

4.0. Need for Child Care

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.

4.1. Activity: Employment in the Private or Public Sector

Income-eligible parents who are working in the private or public sector (not self-employment) and who have children who need care are considered to need child care.

4.2. Activity: Job Search

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.

4.3. Activity: Self-Employment.

The following definitions shall apply to child care policies regarding self-employment:

4.4. Activity: WV WORKS.

Children of work-eligible parent(s) who receive TANF benefits and who are participating in an approved work activity under WV WORKS are considered in need of child care. The status of WV Works parents must be verified by the WV Works Family Support Specialist. Verification of status must be no older than 45 days. CCR&R case managers must document the activity schedule and method of verification in case contacts.

4.4.3. WV WORKS: Two Parent Households

4.4.3.1. If both parents are “work eligible,” child care time can be approved for the parents to participate in their required WV Works Activities.

4.4.3.2. If one parent in a two-parent home is not “work eligible” and verification of such status is supplied by WV Works, child care can be approved for the “work eligible” parent to participate in the required WV Works Activity, only if:

- A.** The family provides a doctor’s statement that explains why the work-ineligible parent’s condition prevents care and supervision of children.
- B.** The children in need of care are under eight years of age.

4.5. Activity: Job Training/Education.

Children of parents who verify attendance at job training and educational programs demonstrate a need for child care. Job training/education is defined as on-the-job training, vocational training, skill training, secondary school programs, post-secondary schools, colleges, and universities. Parents shall be considered eligible for care with the following clarifications:

4.6. Supportive Services for Child Protective Services Recipients.

Children residing with parents that are unable to provide adequate care or supervision and whose parents need support and assistance with child care responsibilities to prevent or alleviate child abuse or neglect. Children in need of care must continue to reside in the home of the parent for whom the safety or treatment plan is written. Children who have been removed from the home of the parent for whom the plan is written and placed in foster

care, Kinship/Relative care, TANF Caretaker Relative or other guardianship are not eligible for CPS related child care.

BFA Child Care Subsidy Policy and Procedures Manual Section 4.7 describes Exceptions to Eligibility: Policy Exceptions and provides, in pertinent part:

4.7. Exceptions to Eligibility: Policy Exceptions

Policy exceptions shall be reviewed by the CCR&R supervisor for approval and then forwarded to the Division of Early Care and Education via PATH. (See Chapter 6, Section 5, Exception to Eligibility Policy for further exception requirements).

4.7.2. Illness:

In certain extraordinary situations child care may be approved for children under the age of six years in the following circumstances: a family member's release from hospitalization; a recent determination of a temporary or permanent disability of a parent; physician ordered bed rest during pregnancy; medical treatment for a terminal illness. Exceptions are granted in order to give the family time to prepare and plan for coping with the illness and the effects of treatment and finding alternate child care arrangements/assistance.

4.7.2.1 Hospitalization, Surgery, and Post Hospitalization/Surgery Recovery

For currently active cases, child care may be provided when a family member is hospitalized, requires in or out-patient surgery, and/or released from the hospital. In cases of hospitalization/surgery recovery (for hospital admissions exceeding 48 continuous hours), documentation shall include, but not be limited to:

- A.** A discharge plan and diagnosis and a treatment plan if one is developed to follow up the discharge plan.
- B.** The anticipated length of time for recovery.
- C.** The documentation shall be related to the parent's illness or the illness of a sibling for which hospitalization was required.
- D.** The approval period is limited to six weeks. If a longer recovery period is indicated by the physician in which minimal care and supervision of a child cannot be provided, the approval may be for a period not to exceed six months.
- E.** Post hospitalization/surgery recovery approvals will be considered only for an active child care case and will not be considered for a new application or intake.

4.7.2.2 Recent Determination of Temporary or Permanent Disability.

A disability exception approval will not exceed 6 months. This category of policy exception is for one time only per child care case or same family. The exception is granted in order to give the family time to prepare and plan for coping with the disability and finding alternate child care arrangements/assistance in cases of newly determined temporary or permanent disability of the parent, the documentation shall include, but not be limited to:

- A.** An official disability determination by a state or federal agency with a determination date that is within three (3) months of the child care application or redetermination.

- B. A treatment plan and the medical statement by a licensed physician which describes how this condition prevents the care of children.
- C. A disability exception approval will not exceed 6 months.

4.7.2.4. Medical Treatment for a Terminal Illness.

Exceptions may be approved for a terminally ill patient undergoing treatment without a previous hospitalization, provided there is a physician's statement describing the medical condition and that the condition and/or treatment prevents the care and supervision of children. The approval period will not exceed 6 months. This category of policy exception is for one time only per child care case or family. Child care may be approved if the illness or condition prevents the parent(s) from providing minimal care and supervision of the child(ren). A signed and dated medical statement from a licensed physician must describe how the medical condition prevents care for the child(ren).

[For currently active cases, child care may be provided when a family member is hospitalized, requires in or out-patient surgery, and/or released from the hospital. In cases of hospitalization/surgery recovery (for hospital admissions exceeding 48 continuous hours), documentation shall include, but not be limited to:

- A. A discharge plan and diagnosis and a treatment plan if one is developed to follow up the discharge plan.
- B. The anticipated length of time for recovery.
- C. The documentation shall be related to the parent's illness or the illness of a sibling for which hospitalization was required.
- D. The approval period is limited to six weeks. If a longer recovery period is indicated by the physician in which minimal care and supervision of a child cannot be provided, the approval may be for a period not to exceed six months.
- E. Post hospitalization/surgery recovery approvals will be considered only for an active child care case and will not be considered for a new application or intake.]

BFA Child Care Subsidy Policy and Procedures Manual Chapter 6 describes Client Case Management & Continued Contact, and Section 6.5 describes Procedures for Exception to Eligibility Policy, and provides, in pertinent part:

6.5.2 Illness.

In unusual, extraordinary circumstances, exceptions to eligibility policy can be requested. Exceptions will be granted on an individual basis and only in situations where the circumstances of the client are so different from the norm that the policy is unfair or inappropriate when applied to the individual client. Consideration is given to factors such as the age of the child, the child's ability for self-care, the amount of supervision or hands-on care required for the child, and if there are other household members present who can aid in the supervision of the child. When an exception request is made, CCR&R case managers shall inform parents the approval is not guaranteed. The parent and provider must establish private payment arrangements to ensure that the provider is paid during the time the exception request is reviewed. The following steps should be taken to process an exception request.

6.5.2.1. The CCR&R Case manager will collect all relevant information needed for approval and enter the request into PATH under the Policy Exception Screen. The request must, at a minimum, contain the following information:

- A.** Parent(s) name, address, and telephone.
- B.** Name and birth dates of children.
- C.** Number of people in the household.
- D.** Family income.
- E.** Reason for requesting an exception. This includes a description of the condition requiring the exception, the date the condition began, and an explanation of why care is needed.
- F.** Resources explored for provision of child care prior to requesting child care services, i.e., community, family, volunteers.
- G.** Amount family can financially contribute to the cost of the service.
- H.** Probable consequences to the family if the exception is not granted.
- I.** Anticipated length of time the exception is needed, and, for illness or injury, the length of time anticipated for recovery.

6.5.2.2 The request for an exception will be reviewed by the CCR&R supervisor. After the supervisor's approval, it must be forwarded via PATH to the Division of Early Care and Education.

6.5.2.3 The Division of Early Care and Education shall review the exception request and provide a decision within 30 days.

6.5.2.4 If approved, payment may be backdated to the date of application.

6.5.2.5 If denied, the case manager shall notify the parent in writing that the exception was not approved, and the parent is responsible for payment to the provider (See Chapter 4, Need for Child Care, for additional exception requirements based on a medical condition.)

West Virginia Income Maintenance Manual Chapter 1 Application Redetermination Process describes the WV WORKS Program briefly and provides, in pertinent part:

WV WORKS, West Virginia's implementation of Temporary Assistance for Needy Families (TANF), provides monthly cash assistance along with a variety of employment and education related services to low income families with dependent children with the goals of assisting economically dependent and at-risk families to become self-supporting, enhancing the well-being of children, and assisting families near the poverty level to remain self-sufficient.

DISCUSSION

The Appellant has appealed the decision of the Respondent to deny his applications for child care services. The Respondent determined that the Appellant was not eligible because his wife, a legal guardian of the children in the home, was not engaged in a qualifying activity that showed a need for child care. The Respondent bears the burden of proof and must show by a preponderance of the evidence that it correctly denied the Appellant's applications for child care benefits.

In June of 2026, the Appellant and his wife, [REDACTED], became legal guardians of their three (3) minor grandchildren, who are all under six (6) years old. The Appellant testified that he and his wife obtained guardianship over their grandchildren due to an emergency. The Appellant applied for child care services in June of 2026. The Respondent notified the Appellant on June 23, 2026, that his application had been denied because he did not provide verification of a qualifying activity for [REDACTED]. Pursuant to policy, qualifying activities are employment in the private or public sector, self-employment, job search, WV WORKS, or job training/education. However, the policy also lists exceptions for specific illnesses or medical conditions and for Child Protective Services recipients.

On July 8, 2026, the Appellant applied for child care services again. On this application, the Appellant reported that he works full time for the [REDACTED], and that his wife receives Social Security disability benefits. The Respondent notified the Appellant on July 8, 2026, that he must provide information regarding a policy exception approval for [REDACTED], and listed what documentation was required. The Appellant submitted a letter from [REDACTED] doctor that states that [REDACTED] is "Medically unstable to independently provide safe care and supervision for three minor children, including an infant and toddler during a normal workday" because she has "cardiac problems." The Appellant also submitted a Medical Verification form stating that [REDACTED] is diagnosed with "Paroxysmal Atrial Fibrillation, Major Depression, and Irritable Bowel Disorder," and that she has "shortness of breath" and "will have difficulty taking care of kids," which will be "life long." Neither the letter nor the Medical Verification form states that [REDACTED] illness is "terminal."

On July 16, 2026, the Child Care Resources & Referral Agency (CCR&R) supervisor requested a medical policy exception on behalf of the Appellant. On July 17, 2026, the Division of Early Care and Education (ECE) denied the request. On July 17, 2026, the Respondent notified the Appellant that his application for child care was denied because he failed to provide verification of qualifying activity for [REDACTED] and the request for a medical policy exception had been denied.

Pursuant to federal regulations that grant some of the funding to the Respondent for administration of the Child Care Subsidy Program, the purpose of the federal Child Care and Development Fund (CCDF) is to support parental education, training, and employment and continuity of care that minimizes disruptions to children's learning and development. However, the federal regulations also grant states maximum flexibility in developing child care programs and policies that best suit the needs of children and parents within that State. West Virginia's policy includes some limited exceptions from the work or job training requirements.

Pursuant to the Respondent's policy, if both parents or guardians live in the same home as the child, then both parents or guardians must be participating in a qualifying activity to be eligible. However, the policy also states that, in certain extraordinary situations child care may be approved for children under the age of six years in the following circumstances: a family member's release from hospitalization; a recent determination of a temporary or permanent disability of a parent; physician ordered bed rest during pregnancy; medical treatment for a terminal illness.

The policy states that, when requesting exceptions to eligibility policy, the request for an exception will be reviewed by the CCR&R supervisor. After the supervisor's approval, it must be forwarded to the ECE. The ECE shall review the exception request and provide a decision within 30 days. The Respondent's representative, William Smalley (hereinafter Mr. Smalley), testified that Chelsie Hunt, CCR&R supervisor, emailed an employee of the Respondent's ECE, Denise Richmond, to inform her that the Appellant had requested a "medical policy exception." On July 17, 2026, Denise Richmond emailed Chelsie Hunt that the Appellant's family did not meet the criteria for a medical exception and the case would need to be denied.

The Respondent contends that the Appellant's wife is not engaged in a qualifying activity, and that their family situation does not meet any of the exceptions to eligibility listed in section 4.7.2 of the policy. Mr. Smalley testified that the Appellant's situation does not fall under the exception for Hospitalization, Surgery, and Post Hospitalization/Surgery Recovery, because that exception only applies to "currently active cases," and the Appellant's case was not active. Mr. Smalley also testified that the Appellant's situation does not fall under the exception for Recent Determination of Temporary or Permanent Disability, because it requires an official disability determination by a state or federal agency with a determination date that is within three (3) months of the child care application or redetermination, and [REDACTED] disability determination date was before 2025.

The Respondent submitted the ECE's email determination as documentation for the hearing (Exhibit D-8). With regard to the exception for Medical Treatment for a Terminal Illness, the email includes a July 16, 2026 message from Denise Richmond stating that "doctors note said nothing about terminal." The preponderance of the evidence showed that the Respondent considered whether the Appellant was eligible based on all of the applicable policy exceptions, including the exception for Medical Treatment for a Terminal Illness.

The Appellant argues that the circumstances which necessitate his need for child care services are unusual and extraordinary, that it would be unfair or inappropriate to apply the policy to his situation, and that his family should qualify for an exception to eligibility policy. The Appellant argues that these extraordinary circumstances include that the Appellant and his wife obtained guardianship of their three (3) grandchildren, who are all less than six (6) years old, in an emergency. He argues that the children have no ability for self-care, they need constant, undivided, and active supervision, that there are no other household members or family members who can aid in supervision of the children, that the Appellant is in his 70's, that he works full-time, and that his wife lives with him in his home and is unable to work or care for children because of her medical condition.

Pursuant to policy section 6.5.2, exceptions will be granted on an individual basis and only in situations where the circumstances of the client are so different from the norm that the policy is

unfair or inappropriate when applied to the individual client. Consideration is given to factors such as the age of the child, the child's ability for self-care, the amount of supervision or hands-on care required for the child, and if there are other household members present who can aid in the supervision of the child. However, this appears within a section of policy related to case management for existing clients, and does not appear to apply to new applicants.

The policy lists specific illnesses or medical conditions which may be considered as exceptions to eligibility policy. These are limited to a family member's release from hospitalization; a recent determination of a temporary or permanent disability of a parent; physician ordered bed rest during pregnancy; medical treatment for a terminal illness. Although it is unfortunate, the limited exceptions do not allow for exceptions such as the Appellant is experiencing.

The Respondent's policy regarding eligibility for child care services, in accordance with federal law, is to support parental education, training, and employment. The existing policy does not grant exceptions or accommodations for adults with disabilities or other prolonged non-terminal impairments that prevent an applicant's compliance with the Respondent's activity requirements. The Respondent should make note of the policy's silence on this issue. However, the Board of Review cannot pass judgment on this policy, and can only determine whether the Respondent followed the policy.

There may be relief for the Appellant's family through WV Works or the Circuit Court. WV WORKS is the state's implementation of the Temporary Assistance for Needy Families (TANF) program. Although the Appellant's family is not currently a recipient of WV WORKS, there is an additional exception whereby one parent in a two-parent home is exempt from the work requirement because they are receiving SSI. Additionally, there may also be relief for child care and other expenses through the Circuit Court. The Order Granting Minor Guardianship to the Appellant and his wife does not specifically address child care.

CONCLUSIONS OF LAW

- 1) The Appellant and his wife are both legal guardians of children in their home, and applicants for child care services are both required to participate in a qualifying activity such as work or job training.
- 2) Policy allows for approval of an applicant's eligibility under some exceptions, but the Appellant and his wife do not qualify for any of the exceptions established in child care policy.
- 3) The Appellant's submitted medical documentation failed to establish the Appellant's wife met a medical exception.
- 4) Because the Appellant does not qualify under any of the exceptions, the determination by the Respondent is affirmed.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the actions of the Respondent in its denials of the Appellant's applications for child care services.

ENTERED this 8th day of September 2026.

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