WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Number: 26-BOR-2796**

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 October 13, 2026, on an appeal filed September 17, 2026.

The matter before the Hearing Officer arises from the September 11, 2026 decision by the Respondent to deny the Appellant's application for the Child Care Subsidy Program.

At the hearing, the Respondent appeared by William Smalley, Connect Child Care Case Manager. The Appellant was self-represented. All witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Application for Child Care Services dated August 24, 2026
D-2 Notification of New Applicants titled "Pending" from Department of Human Services (DoHS) to [redacted] dated August 24, 2026
D-3 Photo copy of the Appellant's Drivers' License
D-4 Email from connect@wv.gov to [redacted] dated August 24, 2026
D-5 WV Vital registration Documentation of Birth Record for [redacted] dated August 24, 2026
D-6 Email from connect@wv.gov to [redacted] dated September 4, 2026 with Student Schedule for Fall 2026 for [redacted] attached
D-7 Child Care Parent Notification Letter Notice of Denial or Closure from DoHS to [redacted] dated September 11, 2026
D-8 Child Care Subsidy Policy and Procedures Manual Section 3.4.2.12

Appellant's Exhibits:

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

1) The Appellant applied for Child Care Assistance for his minor daughter, [redacted], on August 24, 2026. (Exhibit D-1)

2) On August 24, 2026, the Respondent handed the Appellant a written notice that his application was pending, and that he was required to submit information to verify his full-time school, verify the citizenship of [redacted], and verify proof of his residence. (Exhibit D-2)

3) On August 24, 2026, the Appellant emailed the first page of his lease agreement to connect@wv.gov. (Exhibit D-4)

4) On August 24, 2026, connect@wv.gov replied to the Appellant via email, stating "Can you please resubmit this document but include all pages?" (Exhibit D-4)

5) On August 24, 2026, the Respondent received verification of the birth record for [redacted] (Exhibit D-5)

6) On September 4, 2026, the Appellant emailed his Student Schedule for Fall 2026 at [redacted] to connect@wv.gov. (Exhibit D-6)

7) On September 4, 2026, connect@wv.gov replied to the Appellant via email, stating "this has been received. Your case is still pending for verification of your address. If you'd like to resubmit your lease please include all pages and make sure they are unob [sic] . . ." (Exhibit D-6)

8) By Notice mailed on September 12, 2026, the Respondent notified the Appellant that his child care application was denied because he failed to provide verification of his residence by September 6, 2026. The. (Exhibit D-7)

9) On September 17, 2026, the Appellant received the Notice mailed September 12.

10) On September 17, 2026, the Appellant went to the office to inquire as to his next steps. While visiting the office, the Appellant reapplied for child care, and gave workers a copy of his entire lease agreement as part of his new application.

11) The Appellant's September 17, 2026, application for child care was approved.

APPLICABLE POLICY

Bureau for Family Assistance (BFA) Child Care Subsidy Policy and Procedures Manual Chapter 2 describes The Application Process and provides, in pertinent part:

2.4. The Application Process

2.4.1. Verifications Requested During Intake Interview.

During the intake interview, parents will be asked to submit several verifications. The verifications include the following proofs:

2.4.1.1 Identity.

2.4.1.2 West Virginia residency.

2.4.1.3 All income, including child support, if received.

2.4.1.4 Employment, school, training, WV Works participation for each parent in the home and/or other need for child care services.

2.4.2. CCR&R Supplied Forms

During the application process, a number of additional forms are completed or given to parents for completion and verifications are requested. Forms given to parents shall include the following**:**

2.4.2.4. A Child Care Certificate (DAY-0167) to be signed and given to the provider if the application is approved or the Notification of New Applicants (DAY-0177) if the application is pending or denied. For pending applications, parents shall also receive a Provider Notification Letter-Parent's Eligibility for Child Care (DAY-0613) to give to the provider to indicate the application is pending.

2.4.3. Notifying Parent of Application Status:

2.4.3.1. If the applicant is not eligible for services, the CCR&R case manager shall issue a Child Care Parent Notification Letter (DAY-0179) that states the application is denied.

2.4.3.2. If the application cannot be completed due to the need for additional information or documentation, the case manager shall issue a Parent Notification Letter (DAY-0176) indicating that the application will be denied if the necessary information is not received within 13 days.

2.4.3.3. If the applicable information is received and the client is eligible:

A. A Child Care Certificate (DAY-0176) is issued from PATH and given to the parent who signs it and then gives it to the provider to be retained in the provider's record.

B. The CCR&R case manager may provide a Parent Notification Letter (DAY-0177) and a Provider Notification Letter (DAY-0613) on a temporary basis until the case is entered in PATH and a permanent Child Care Certificate is issued to the parent.

2.5.4. Parent Responsibilities
As a recipient of child care services, the parent has the following responsibilities:

2.5.4.5. Ensuring that the provider of choice receives a signed Child Care Certificate (DAY-0176) or Provider Notification Letter (DAY-0613) prior to accepting children in care. The certificate or notification letter is the provider's only assurance of payment.

2.5.4.7. Paying the child fee directly to the provider on a schedule negotiated between them.

2.5.4.8. Making private arrangements with the provider for payment if care is used for reasons and times not needed or not listed on the Certificate. The Agency will not pay for child care provided while parents attend medical appointments, go shopping, or participate in other non-work or school related activities.

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.

3.4. WV Residency Requirement and Proof of Identity:
Child care applicants must be a resident of the State of West Virginia. Proof of identity and residency is required and shall be established by showing a valid photo ID and proof of residency, selected from the following list. If clients do not have proof of identity, they shall be given 13 days to provide it.

3.4.2. Acceptable Proofs of WV Residency:
Proofs of WV residency must show the client's current physical address.

3.4.2.12. Residential rental and/or lease agreement with a WV address. Lease must be signed and dated by Lessor and Lessee.

BFA Child Care Subsidy Policy and Procedures Manual Section 11.2 describes Adequate and Timely Notice of Decisions and provides, in pertinent part:

11.2. Adequate and Timely Notice of Decisions.
Adequate notice of a decision affecting benefits shall be mailed or provided in writing in a face-to-face contact to the applicant. Notice shall be mailed at least thirteen (13) days before the effective date of any action or decision which may be averse to the applicant.

11.2.1. Required Notice Information.
The notice must include the following information:

11.2.1.1. The action or proposed action to be taken.

11.2.1.2. The reasons for the action provided in terms readily understandable by the applicant.

11.2.1.3. Citation of relevant policy sections supporting the action taken or proposed.

DISCUSSION

The Appellant has appealed the decision of the Respondent to deny his child care application because he did not submit requested verification to complete his application within the required timeframe. The Respondent bears the burden of proof and must show by a preponderance of the evidence that it correctly denied the Appellant's child care services application.

On August 24, 2026, the Appellant applied for child care services in person and completed a face-to-face interview. On that same day, the Appellant was given a Notification of New Applicants which stated that his application for child care could not be approved until he supplied the following information: 1) verification of full-time school, 2) verification of citizenship (for all children in care), and 3) proof of residence. The notice stated, "[t]he application will be denied/withdrawn if this information is not received by 09/06/2026."

The Appellant contends that he misunderstood the requirements of the application process and did not know that the Notification of New Applicants given to him was a list of verification he had to submit. The Appellant testified that he gave that paper to the child care provider he chose for his daughter. It was the Appellant's testimony that the Respondent's worker communicated with him via email, and that he thought he had turned in all requested information. The Appellant submitted, via email, his full-time school schedule and the first page of his lease agreement. The Respondent received verification of citizenship for [redacted] The only verification in question was proof of residence.

The Respondent's representative, William Smalley, testified that, because adequate proof of residence was not received by the due date, the application was denied on September 11, 2026, and notice of the denial was mailed to the Appellant on September 12, 2026. Pursuant to policy, an applicant is required to verify West Virginia residency. Policy states that, if a lease agreement is used to prove residency, the lease must be signed and dated by Lessor and Lessee.

The Appellant argues that he did submit proof of his residency via email on August 24, 2026. However, the Respondent showed by a preponderance of evidence that the email sent by the Appellant on August 24, included only the first page of the lease agreement, and did not include the signature of the Lessor and Lessee. Mr. Smalley testified that the Respondent's worker emailed

the Appellant on August 24, and again on September 4, requesting the entire lease agreement. The Appellant contends that he did not receive those emails. However, during the hearing, the Appellant confirmed that the email address used for correspondence was his, and that he had received other emails from the Respondent. The Respondent showed by a preponderance of the evidence that the Appellant received hand-delivered written notice on August 24, then was notified again via email on August 24, and September 4, that his proof of residency was still pending because he had not submitted the lease agreement with required signatures.

The Appellant argues that he should have been notified via email or telephone that his application had been denied. The policy requires that adequate and timely notice be provided in writing, either by mail or by face-to-face contact. The preponderance of the evidence showed that the Respondent followed the policy when the denial letter was mailed after the requested verification was not submitted.

The Appellant also contests that it is his responsibility to pay for child care he used while his application was pending and before he was aware that his application was denied. Pursuant to policy, parents are responsible to ensure that the provider of choice receives a signed Child Care Certificate (DAY-0176) or Provider Notification Letter (DAY-0613) prior to accepting children in care. The preponderance of the evidence showed that the Appellant was given a Notification of New Applicants which stated that his application was pending. Parents are responsible for paying the child fee directly to the provider on a schedule negotiated between them or making private arrangements with the provider for payment if care is used for reasons and times not needed or not listed on a Child Care Certificate. Because the Appellant did not have a Child Care Certificate, he is responsible for payment of child care he used before his application was denied. Whether the Appellant understood the policy is not a factor in deciding if the Respondent acted correctly and followed the policy.

When the Appellant received the denial notice on September 17, 2026, he went to the office to ask about it and completed a new application. The Appellant's subsequent application for child care included his lease agreement with signatures of Lessor and Lessee and has since been approved.

CONCLUSIONS OF LAW

1) An applicant for child care services is required to verify residency, and the Appellant was notified in writing by hand delivery that he must verify his residency by September 6, 2026, or his application would be denied.

2) A residential lease agreement with a WV address can be used to prove residency, and policy requires that it must be signed and dated by Lessor and Lessee. The Appellant failed to submit the entire lease agreement including the signatures of the Lessor and Lessee by the due date.

3) Because the Appellant did not submit adequate proof of his residency by the due date, the Respondent properly denied his application for child care services.

4) Adequate notice of a decision affecting benefits shall be mailed or provided in writing in a face-to-face contact to the applicant, and the Respondent correctly mailed the denial of the Appellant's application on September 12, 2026, after he failed to provide the requested verification.

DECISION

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

ENTERED this 26th day of October 2026.

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Amy Hayes
State Hearing Officer
Member, Board of Review