



June 18, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA  
ACTION NO.: 25-BOR-2033

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,

Lori Woodward, J.D.  
Certified State Hearing Officer  
Member, State Board of Review

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

cc: Jessica Geris, WV DoHS/BFA

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

[REDACTED],

**Appellant,**

v.

**ACTION NO.: 25-BOR-2033**

**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 June 18, 2025, on an appeal filed on May 15, 2025.

The matter before the Hearing Officer arises from the May 13, 2025, decision by the Respondent to include the April 2025 transfers and deposits into the Appellant's bank account from [REDACTED] as unearned income in calculating her West Virginia Works (WVW) monthly benefit amount.

At the hearing, the Respondent appeared by Jessica Geris, Family Support Supervisor. Appearing as a witness for the Respondent was Angel Mullen, Family Support Specialist. The Appellant appeared self-represented. The witnesses were placed under oath and the following documents were admitted into evidence:

**Department's Exhibits:**

- D-1 Hearing Summary
- D-2 [REDACTED] bank statement for April 2025
- D-3 West Virginia Income Maintenance Manual, Chapter 4, Chart 1, 53

**Appellant's Exhibits:**

- A-1 Undated written statement from [REDACTED]

\*This exhibit was allowed to be produced post-hearing via email from the Appellant which was forwarded to the Respondent's representative.

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 is a recipient of WVW benefits.
- 2) On May 12, 2025, the Appellant underwent a review for her WVW benefits.
- 3) The Appellant submitted an April 2025 bank statement as a part of her WVW review. (Exhibit D-2)
- 4) The April 2025 bank statement showed deposits and transfers from [REDACTED] (Exhibit D-2)
- 5) Because the Appellant stated that these were loans, the Respondent counted these amounts as unearned income.
- 6) The Appellant stated this was a verbal loan and produced a written statement from [REDACTED] specifically for the hearing. (Exhibit A-1)
- 7) The Appellant is not employed and her only income is the WVW benefits and child support incentive benefit.

## **APPLICABLE POLICY**

**WV IMM, Chapter 4, Chart 1, 53**, instructs that for West Virginia Works purposes, loans are counted as unearned income unless it is used:

- To repair or replace an asset; or
- To purchase a home in which to reside, when no other home is owned; or means of transportation to and from work when no other operable means is owned by the income group.
- For educational expenses.

There must be a written agreement to repay.

## **DISCUSSION**

The Appellant is a recipient of WVW benefits. On May 12, 2025, the Appellant underwent a review. As part of the review process, the Appellant returned an April 2025 bank statement. The Appellant's worker, Angel Mullens, noted that there were transfers and deposits into her bank account. Because the Appellant had indicated that these transfers and deposits were loans, Ms. Mullens determined these were to be counted as unearned income. On May 13, 2025, the Appellant's WVW benefits were approved with a reduction in the amount because of the inclusion of the unearned income. The Appellant appeals the Respondent's decision to include these transfers and deposits.

The Respondent must show by a preponderance of evidence that it correctly included the unearned income in calculating the Appellant's WVW benefit amount.

The Appellant averred that these April 2025 deposits and transfers from [REDACTED] were verbal loans to assist her in paying her car payment and for gas. The Appellant produced a written statement from [REDACTED] for the specific purpose of the hearing, by her own admission. This written statement was never provided to the Respondent when conducting the WVW review. Although allowed into the record for the hearing, because the note is a self-serving statement made specifically for the purposes of the hearing, it is not given any weight in this decision.

Policy does allow certain loans to be excluded in calculating the WVW benefit amount. These exclusions include loans which are made to repair or replace an asset, which these were not. Another type of loan excluded by policy is for the purchase a home in which to reside, which these were not. Although the Appellant asserts that these transfers and deposits were for the purpose of assisting with her car payment, policy only excludes those loans for transportation to and from work. The Appellant testified that her only income is from the WVW benefits and the child support incentive benefit. The Appellant does not have any earned income. Additionally, policy requires that excluded loans must have a written agreement to repay. At the time of the WVW review in May, the Appellant testified that no written loan agreement was in existence. The testimony and evidence did not support that the purpose of these transfers and deposits met the definition provided by policy as an exclusion from being counted as unearned income.

The Respondent showed by a preponderance of evidence that the April 2025 transfers and deposits made into the Appellant's bank account were correctly counted as unearned income to determine the Appellant's WVW benefit amount.

### **CONCLUSIONS OF LAW**

- 1) Policy allows loans that are to repair or replace an asset, or made for purchase of a home in which to reside, or as a means of transportation to and from work, or for educational expenses, to be excluded as income.
- 2) Excluded loans as defined by policy must have a written agreement to repay.
- 3) The April 2025 transfers and deposits into the Appellant's bank account from [REDACTED] do not meet any of the exclusions as listed by policy.
- 4) The April 2025 transfers and deposits into the Appellant's bank account from [REDACTED] are required to be counted as unearned income for WVW benefit calculation.

**DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to include the April 2025 transfers and deposits into the Appellant's bank account as unearned income.

**ENTERED this 18<sup>th</sup> day of June 2025.**

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Lori Woodward, Certified State Hearing Officer