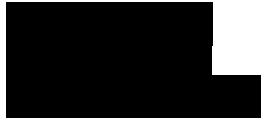




June 25, 2025



RE: [REDACTED] v. WVDohS-BFA
ACTION NO.: 25-BOR-2162

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,

Eric L. Phillips
State Hearing Officer
Member, State Board of Review

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

cc: Kayla Price, BFA

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

██████████,

Appellant,

v.

Action Number: 25-BOR-2162

**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 June 18, 2025, on appeal filed May 30, 2025.

The matter before the Hearing Officer arises from the May 21, 2025 decision by the Respondent to terminate the Appellant's West Virginia Works (WV Works) cash assistance benefits.

At the hearing, the Respondent appeared by Kayla Price, Family Support Specialist. The Appellant was self-represented. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Notice of Pending Closure of Benefits dated April 22, 2025
- D-2 Electronic Mail Correspondence dated February 2025-March 2025
- D-3 Electronic Mail Correspondence dated April 1, 2025
- D-4 Electronic Mail Correspondence dated April 3, 2025
- D-5 Self-Sufficiency Plan dated January 27, 2025
- D-6 Individual Comments
- D-7 Bureau for Family Assistance Sanction Approval dated April 29, 2025
- D-8 West Virginia Works 3rd Sanction Request

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 WV Works cash assistance.
- 2) The Appellant completed a Self-Sufficiency Plan (SSP) to identify her goals, barriers, and required participation with the WV Works program. (Exhibit D-5)
- 3) The Appellant listed a goal of completing a degree in business management on the SSP. (Exhibit D-5)
- 4) The Appellant was assigned to complete college courses and return a timesheet as verification of participation with the program by the 5th of day of each month. (Exhibit D-5)
- 5) The Appellant previously enrolled with [REDACTED]. (Exhibit D-6)
- 6) The Appellant changed institutions and enrolled with [REDACTED] (Exhibit D-3, Exhibit D-6).
- 7) The Appellant failed to report the change in institutions until April 3, 2025. (Exhibit D-6)
- 8) The Appellant's timesheets did not require a site supervisor signature. (Exhibit D-6)
- 9) The Appellant failed to submit a timesheet regarding her placement for February 2025. (Exhibit D-6)
- 10) The Appellant has a previous history of failing to provide participation timesheets. (Exhibit D-6)
- 11) The Appellant failed to provide timesheets in March 2025 and April 2025.
- 12) The Appellant had two previous sanctions for failing to adhere to WV Works program requirements.
- 13) On April 22, 2025, the Respondent submitted a request for approval of the implementation of third sanction with the Office of Programs and Policy. (Exhibit D-8)
- 14) The Office of Programs and Policy approved the implementation of the third sanction. (Exhibit D-8)
- 15) A home visit was completed with the Appellant on March 31, 2025. (Exhibit D-6)

- 16) On April 22, 2025, the Respondent issued a Notice of Pending Closure of Benefits to the Appellant advising her of the pending closure of WV Works benefits due to non-compliance with the SSP. (Exhibit D-1)
- 17) A good cause appointment regarding the third sanction was scheduled for May 19, 2025. (Exhibit D-8)
- 18) A case staffing was scheduled with the Appellant on May 19, 2025. (Exhibit D-1)
- 19) The Appellant failed to appear for the good cause appointment and case staffing.
- 20) The Appellant's sanction resulted in an ineligibility for WV Works benefits for 12 months.
- 21) On May 21, 2025, the Respondent issued a Notice of Decision included in the hearing request which documents a termination of WV Works benefits, effective June 30, 2025, due to the Appellant's third-level sanction for non-compliance with the SSP.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 18.1.1 documents:

WV WORKS is West Virginia's Temporary Assistance for Needy Families (TANF) program. TANF is a cash assistance program funded under a block grant authorized by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and is designed to help needy families achieve self-sufficiency. This cash assistance program replaced Aid to Families with Dependent Children (AFDC), which included cash assistance to families of unemployed parents (AFDC/U), on January 1, 1997. AFDC/U recipients were automatically eligible for Medicaid. All counties were phased into the WV WORKS Program by January 1998.

Through TANF, WV WORKS provides cash assistance along with a variety of employment and education related services to low-income families with dependent children.

The emphasis of the PRWORA is on personal responsibility and employment. The purpose of WV WORKS is to help economically dependent, at-risk families become self-supporting. It is a work-oriented, performance-based, time-limited program that emphasizes employment and personal responsibility. Intensive interaction between the participant and the Case Manager is necessary to establish and maintain the Personal Responsibility Contract (PRC) between the Department of Health and Human Resources (DHHR) and the WV WORKS participant.

PRWORA prohibited any link between the block grant cash assistance program and automatic Medicaid eligibility. Therefore, only those WV WORKS participants who meet eligibility requirements for Medicaid are eligible.

The Deficit Reduction Act of 2005 (DRA) further defined what participation activities count towards meeting the federally mandated TANF work requirements. The DRA defined specific acceptable core activities and the non-core activities that may be used to meet participation requirements over the core hours.

WV WORKS expects parents and other caretaker relatives to support their own dependent children and those in their care. Every parent and other caretaker who is included in a payment and any non-recipient Work-Eligible Individual in the household has a responsibility to participate in an activity to help prepare for, obtain and maintain gainful employment.

The goals of WV WORKS are to:

- Achieve more efficient and effective use of public assistance funds;
- Reduce dependency on public programs by promoting self-sufficiency; and
- Structure assistance to emphasize employment and personal responsibility.

This chapter discusses the requirement that all adults in the assistance group (AG) and all nonrecipient Work-Eligible Individuals must meet a work requirement and describes minimum participation rates to which the State must adhere. Based on the participant's participation in one or more of the activities described in Sections 18.10 - 18.18, the State's participation rate is determined. However, the goals of WV WORKS do not include meeting a participation requirement. Instead, the foundation of WV WORKS is self-sufficiency. There are, therefore, some activities which allow the participant to meet his work requirement, but which do not lead to self-sufficiency. The Case Manager may allow the participant to continue in the activity which meets the participation requirement while developing plans with the participant to begin another activity which will accomplish or lead to self-sufficiency.

The eligibility system provides automated support for WV WORKS work requirements by tracking the participant's involvement in employment and other activities and by providing for the storage and retrieval of information necessary for the assessment process.

West Virginia Income Maintenance Manual Chapter 18.4.2.A documents in pertinent part:

Families that do not meet the definition of a two-parent family are considered "All Family" Households regardless of the number of parents or other adults included in the household.

All Family Households include, but are not limited to, the following situations:

- Families with only one parent living in the home, whether he is included in the AG or is a non-recipient Work-Eligible Individual.
- Families with two parents with a common child living together and one is excluded from the WV WORKS payment due to one of the following reasons: o Minor parent who is not the head-of-household; o Ineligible noncitizen due to immigration status; or o SSI recipient.
- Families with one parent and one stepparent included in the benefit when they have no common child.
- Families with one or two non-parent caretaker relatives included in the WV WORKS payment.

West Virginia Income Maintenance Manual Chapter 18.4.2.A.1 documents:

A minimum of 85 hours of minimum participation hours must be attributable to one or more of the Core Work Activities.

Therefore, no more than 43 of the minimum participation hours may be attributable to one or more of the Non-Core Work Activities.

West Virginia Income Maintenance Manual Chapter 18.5 documents:

All hours of participation in activities must be verified. The Participant Timesheet, DFA-TS-12, is the standard timesheet used to document participation. When used, it is given to participants to report attendance and satisfactory progress in the activity. Some employers/contractors have their own timesheets. These are acceptable means of verification as long as these timesheets provide the necessary information and are signed by the site supervisor. Documentation is required and must be available from the activity site at least monthly to support what is reported for participation and may include electronic records. Monthly timesheets must be filed in participants' case records.

West Virginia Income Maintenance Manual Chapter 18.9.1.A documents:

For purposes of meeting the minimum required core hours of participation, following are the nine Core Work Activities, which are described in detail in the subsequent sections:

- Unsubsidized employment
- Subsidized private sector employment
- Subsidized public sector employment
- On-the job training (OJT)
- Job Search and Job Readiness Assistance
- Work Experience
- Community Service Programs
- Vocational Educational Training

- Providing Child Care to an Individual who is participating in a Community Service Program

West Virginia Income Maintenance Manual Chapter 18.16.2 documents:

Although college attendance does not count toward meeting the federal participation requirements, the West Virginia State Code specifies that full-time college enrollment and attendance is an acceptable participation activity for the WV WORKS program.

Care must be made to correctly identify 18-month or two-year vocational programs being provided by colleges and community colleges and that participants in those programs are enrolled in the Vocational Educational Training.

West Virginia Income Maintenance Manual Chapter 14.8 documents:

When a member of the assistance group (AG) or non-recipient Work-Eligible Individual does not comply with requirements found on his Personal Responsibility Contract (PRC) or Self Sufficiency Plan (SSP), a sanction must be imposed unless the Case Manager determines that good cause exists.

West Virginia Income Maintenance Manual Chapter 14.8.1 documents:

Sanctions are applied in the form of termination of WV WORKS benefits.

The duration of the sanction period is determined as follows:

- First Offense = Ineligibility for cash benefits for 1 month;
- Second Offense = Ineligibility for cash benefits for 6 months;
- Third and All Subsequent Offenses = Ineligibility for cash benefits for 12 months.

WV WORKS sanctions are applied to all Work-Eligible members of a WV WORKS case, not only to the member who causes the sanction.

A sanction is not imposed by having the client repay all or part of the benefit he has already received. A termination of cash assistance for at least one month is the only means by which a sanction is imposed.

Once the beginning of the sanction period has started, it cannot be stopped until the appropriate time has elapsed.

When two or more offenses, by the same or different participants, occur in the same month, it is treated as if only one offense has occurred. All offenses must be addressed in the client notification and only one sanction is imposed. If an additional offense, by the same or different participants, occurs in the same month after the Case Manager has mailed the notification of the preceding offense, an additional sanction may not be imposed.

The second and subsequent WV WORKS sanctions require supervisory approval. A Supervisor must confirm the sanction in the eligibility system. When a Supervisor is not available, a back-up Supervisor may confirm the sanction.

If good cause is granted for the first or second sanction the Supervisor must give approval for removing the sanction and must make comments in the eligibility system.

The third and subsequent WV WORKS sanctions must be approved by the Division of Family Assistance (DFA) Temporary Assistance for Needy Families (TANF) Policy Unit. The Supervisor must send an email to TANF Policy Unit members and his Regional Program Manager once the prospective sanction is placed in the eligibility system with the date and time of the scheduled case staffing, along with a detailed summary on a DFA-WVW-75 outlining the reason for the sanction including:

- Case name, case number, PIN numbers;
- Current PRC;
- Number of referrals provided to the AG for help in removing barriers;
- Number of home/work site visits in the past 12 months. If a home visit has not been completed within 60 days of the third or subsequent sanction request, the Case Manager must schedule, attempt and document a home visit before a sanction approval will be considered. A site visit must not be completed for this purpose.
- Any special or unusual circumstances in the family; and
- Worker, Supervisor and/or Community Services Manager (CSM) decision, including reason, about whether or not the family should be sanctioned. This process is to ensure all challenges identified have been addressed. If good cause is requested, the Supervisor must notify the Policy Unit and Program Manager by email, that they are requesting the sanction be lifted, and the Policy Unit must approve the good cause. To be considered for future benefits, the individual will be required to re-apply for WV WORKS.

West Virginia Income Maintenance Manual Chapter 14.8.3 documents:

All benefit terminations due to imposition of a sanction require advance notice. See Chapter 9 the sanction is effective. Once a period of ineligibility is imposed, i.e. after expiration of the 13-day advance notice period, the ineligibility remains in effect for the pre-determined number of months, regardless of case status.

West Virginia Income Maintenance Manual Chapter 14.8.4 documents:

A case staffing is required before all sanctions start.

After a sanction has been imposed, the Worker must send a pending closure notice (DFAVWV-5) or system notice, which includes an appointment for a case staffing. The case staffing notice may be sent any time after notification that the sanction

has been imposed, but before start of the sanction. It is recommended that the case staffing occur as soon as possible after the notification to try to avoid the sanction.

When the sanction is scheduled to start prior to the case staffing, the sanction must be delayed until the case staffing has been attempted. The Worker must document in comments the dates the case staffing was scheduled and also document the outcome of a completed case staffing on a DFA-WVW-6 and in comments. At the Supervisor's discretion, a home visit may be made in addition to the case staffing. However, the home visit does not substitute for the case staffing.

During the case staffing, the Case Manager must discuss with the participant the reason(s) for the sanction. The Case Manager will explore with the participant why he has not complied with the PRC or SSP or otherwise participated and cooperated. During the visit, the Case Manager will explore any support services, other Department services or community resources that are available to the client to address any challenges to participation. Appropriate services and referrals will be arranged. The Case Manager must also discuss the following during the case staffing visit:

- Plans for how the children's needs will be met when the WV WORKS benefit stops.
- How rent and utilities will be paid while the WV WORKS case is ineligible.
- Determine how extra expenses, such as, but not limited to, cleaning and laundry supplies, clothing, etc. will be covered.
- Explain that if a participant is in their first sanction, Emergency Assistance is not available for one month. For the second and subsequent sanctions, Emergency Assistance is not available for the first three months of a sanction period.
- Explain that Supplemental Nutrition Assistance Program (SNAP) benefits will not increase due to the loss of WV WORKS.
- Explain that the participant must establish good cause to avoid a sanction

DISCUSSION

On April 30, 2025, the Respondent imposed a third sanction against the Appellant's WV Works cash assistance benefits. The sanction was imposed due to the Appellant's failure to comply with her Self-Sufficiency Plan (SSP). Specifically, the Appellant failed to provide verification of her participation hours with her college educational activity. The imposed sanction resulted in a termination of the Appellant's WV Works cash assistance, effective June 30, 2025, for a twelve-month period. The Appellant appeals the Respondent's decision. The Respondent must prove by a preponderance of evidence that the Appellant failed to comply with the program requirements outlined in her SSP.

The Appellant completed a SSP (Exhibit D-5) and agreed to provide a participation timesheet regarding her college work activity to the Respondent by the fifth day of each month. The Appellant failed to adhere to the requirement for the months of February 2025, March 2025 and April 2025. The Appellant's non-compliance with the SSP resulted in the imposition of a third

sanction and the Appellant's ineligibility for WV Works cash assistance benefits for a twelve-month period.

Prior to the imposition of the third sanction, the Respondent sought approval from the Office of Program and Policy. The Respondent noted that all attempts had been exhausted in obtaining the timesheets from the Appellant, in which the Appellant failed to cooperate with the program. As required by policy, the Respondent outlined a good cause date and a case staffing for May 19, 2025 to discuss the issues with the Appellant and provide an opportunity for the Appellant to present good cause for her non-compliance. Based on testimony, the Appellant failed to appear on the scheduled date.

The Appellant contends that she has issues with her mail delivery and that she attempted to contact the Respondent through electronic mail.

Policy requires that when an individual fails to comply with the requirements outlined in the SSP, a sanction is imposed unless the Case Manager determines that good cause exists. Sanctions are applied in the form of terminations of WV Works cash assistance. Third and subsequent offenses for failure to comply with the SSP result in a termination of benefits for a period of twelve months. All third and subsequent sanctions require the approval of the Office of Programs and Policy and the completion of a case staffing.

Based on an evidentiary review, the Appellant failed to comply with the requirements of her SSP. While the Appellant purported communication issues, the Respondent documented attempts to notify the Appellant physically, electronically, and telephonically which failed to yield compliance from the Appellant. Prior to the imposition of the sanction, the Respondent offered the Appellant an opportunity to provide good cause for her non-compliance in which the Appellant failed to appear. Due to the Appellant's non-compliance with program requirements, the Respondent was correct in its decision to impose a third sanction and terminate WV Works cash assistance.

CONCLUSIONS OF LAW

- 1) Participation hours with the WV Works program must be verified through a participant time sheet.
- 2) Non-compliance with the SSP results in the imposition of a sanction and termination of WV Works cash assistance unless the Case Manager determines good cause exists.
- 3) Third and subsequent sanctions result in the ineligibility for WV Works cash assistance for a period of twelve months.
- 4) As outlined by the SSP, the Appellant was required to provide a participant timesheet, by the 5th of each month, as verification of college participation.
- 5) The Appellant's non-compliance with the SSP was due to her failure to provide participant timesheets for the months of February 2025, March 2025 and April 2025.

- 6) The Respondent afforded the Appellant the opportunity to provide good cause for her non-compliance with the SSP.
- 7) The Appellant failed to establish good cause for her non-compliance with the SSP.
- 8) The Respondent was correct in its decision to impose a third sanction and terminate the Appellant's WV Works cash assistance.

DECISION

It is the decision of the State Hearing Officer to uphold the Respondent's decision to terminate the Appellant's WV Works cash assistance benefits.

ENTERED this _____ day of June 2025.

Eric L. Phillips
State Hearing Officer