



July 15, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 25-BOR-2139

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-2139

**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 July 15, 2025.

The matter before the Hearing Officer arises from the May 16, 2025, decision by the Respondent to apply a first level sanction resulting in West Virginia Works (WVW) benefit closure.

At the hearing, the Respondent appeared by Jessica Geris, Family Support Supervisor. 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 Notice of Scheduled Appointment (CSLW) dated April 30, 2025
- D-3 WV WORKS - Personal Responsibility Contract (PRC) Self-Sufficiency Plan for [REDACTED], signed and dated January 21, 2025
- D-4 WV Income Maintenance Manual (WV IMM), Chapter 18, §18.2.4 (excerpt)
- D-5 WV Income Maintenance Manual (WV IMM), Chapter 18, §187.5.D (excerpt)
- D-6 Notice of Pending Closure of Benefits (DFA-WVW-5), dated May 15, 2025
- D-7 Notice of Sanction (AE07), dated May 16, 2025

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 is a recipient of WVW benefits.
- 2) On January 21, 2025, the Appellant entered into a Personal Responsibility Contract (PRC) and Self Sufficiency Plan (SSP) wherein she agreed to keep all appointments with the Department of Human Services. (Exhibit D-3)
- 3) On April 30, 2025, the Respondent sent the Appellant a notification that “as a condition of your eligibility for financial assistance ... you are currently enrolled or are required to enroll for employment related services with West Virginia WORKS. An **office interview** has been scheduled for you with the worker listed below: Scheduled Office Interview Appointment: Date: 5/13/25 Time: 09:00 am ...” (Exhibit D-2)
- 4) The May 13, 2025 office interview was to update the Appellant’s SSP/PRC.
- 5) The Appellant failed to attend the scheduled appointment.
- 6) On May 15, 2025, the Respondent sent the Appellant a Notice of Pending Closure of Benefits with a good cause appointment date of May 27, 2025 at 3:00 p.m. (Exhibit D-6)
- 7) On May 16, 2025, the Respondent issued a notification of the placement of a sanction and closure of the Appellant’s benefits with a good cause interview date of May 27, 2025 at 3:00 p.m. (Exhibit D-7)
- 8) The Appellant attended the May 27, 2025 case staffing/good cause appointment; however, no good cause was granted. (Exhibit D-1)

APPLICABLE POLICY

WV IMM, Chapter 1, §1.5.21, PERSONAL RESPONSIBILITY CONTRACT (PRC), in part: The PRC, form DFA-PRC-1, is a contract between each of the adult or emancipated minor members of the WV WORKS AG, or non-recipient Work-Eligible Individual(s), and the Worker, as the representative of the DOHS. Completion and signature of the PRC form is required prior to approving the WV WORKS AG. However, when the client reapplies for benefits within three months of the last day of the effective month of closure, no new PRC is required ...Failure, without good cause, to adhere to the responsibilities or any tasks listed on the PRC after signature, results in imposition of a sanction against the AG. See Section 14.8 for information about sanctions.

WV IMM, Chapter 1, §1.5.22, SELF-SUFFICIENCY PLAN (SSP), in part: The Self-Sufficiency Plan (SSP), form DFA-SSP-1, is a negotiated contract between each of the adult or emancipated minor members of the WV WORKS AG, or non-recipient Work-Eligible Individual(s), and the Worker, as the representative of the DOHS. The SSP is specific to each participant. It lists the goals, as well as the tasks necessary to accomplish the goals, including specific appointments, assignments and activities for the adult/emancipated minor. In addition, the SSP identifies the circumstances which impede attainment of the established goals and specifies the services needed to overcome the impediments ... The SSP is a working document and revisions are made when either the participant or the Worker believes it necessary. Frequent changes are expected as the participant progresses toward his goal.

WV IMM, Chapter 18, §18.7.5.D, Missed Appointments, in part: Failure, without good cause (see Chapter 14.9), to keep appointments to initiate or continue the assessment process indicates a failure/refusal to cooperate or participate ... When an appointment is scheduled in writing and the applicant misses the appointment, a sanction may be imposed without making a second appointment, unless the applicant has good cause or contacts the Case Manager to reschedule the appointment.

WV IMM, Chapter 18, §18.2.4, in part:

After a participant has received WV WORKS for 55 months, a formal case review must be conducted. The purpose of this review is to assess the progress of the household members towards achieving self-sufficiency and to determine what activities the participant needs to complete during the remaining months of WV WORKS eligibility. This review is not discretionary. The Case Manager must schedule the review. The participant's attendance at this conference should be included as an item on the last revision of the Self-Sufficiency Plan (SSP) completed before the meeting would normally be scheduled. The Case Manager must schedule the review by issuing a letter to the participant

WV IMM, Chapter 14, §14.8, in part, explains that when a member of the AG 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.

WV IMM, Chapter 14, §14.8.1, in part: Sanctions are applied in the form of termination of WV WORKS benefits. The duration of the sanction period is 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. Once the beginning of the sanction period has started, it cannot be stopped until the appropriate time has elapsed.

...

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

WV IMM, Chapter 14, §14.8.3, states, in part: 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.

DISCUSSION

West Virginia Works (WVW) is a Temporary Assistance for Needy Families (TANF) program, which provides cash assistance to aid needy families to achieve self-sufficiency. Under program guidelines, eligible families must complete federally established monthly hours of approved work activities in order to meet the participation requirements. All participants are required to complete a Personal Responsibility Contract (PRC) or Self-Sufficiency Plans (SSP) to identify specific goals and the activities required to achieve such goals. Non-compliance with the requirements found on the PRC or SSP, results in the imposition of a sanction unless the case manager determines that good cause exists. Sanctions are applied in the form of a termination of the WV WORKS benefit. The first offense results in ineligibility for cash assistance for one month.

The Appellant is a recipient of WVW benefits. As a condition of her eligibility, she entered into an SSP/PRC on January 21, 2025, agreeing to keep all appointments with the Department of Human Services (DoHS). On April 30, 2025, the Respondent's worker sent the Appellant notification that an office interview was scheduled for May 13, 2025 at 9:00 a.m. The Appellant failed to attend. Accordingly, on May 15, 2025, a notice of pending closure of benefits with a case staffing appointment for May 27, 2025 was sent to the Appellant. On May 16, 2025, the Respondent sent notice of a sanction being placed on the Appellant with a good cause appointment notification for May 27, 2025 at 3:00 p.m. The Appellant appeared for the May 27, 2025 appointment; however, no good cause was found for her failure to attend the May 13, 2025 appointment.

The Appellant brings this appeal averring she did not receive the notification of the May 13, 2025 appointment. The Appellant contended that she has had difficulty with receiving her mail due to issues with her housing situation and vaguely stated something about having to go to court about her mail. The Appellant did not have any supporting evidence or other testimony regarding this contention. Had the Appellant been having issues with receiving her mail, she should have promptly notified her worker so that other arrangements could have been made. It appears that this had not been done.

The Respondent showed by a preponderance of evidence that the Appellant failed to meet the terms of her SSP/PRC by failing to attend the May 13, 2025 appointment. Accordingly, a sanction must be applied. This is the Appellant's first sanction.

CONCLUSIONS OF LAW

- 1) Policy requires that whenever the terms of an SSP/PRC are violated without good cause, a sanction must be applied.

- 2) The Appellant agreed to attend all appointments with the DoHS on her January 21, 2025 SSP/PRC.
- 3) The Appellant failed to attend a May 13, 2025 in-office appointment.
- 4) The terms of her SSP/PRC were violated by the Appellant.
- 5) No good cause was found by the Appellant's worker for her failure to attend the May 13, 2025 appointment.
- 6) The Respondent must place a first-level sanction against the Appellant.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to apply a first-level sanction against the Appellant resulting in program ineligibility for a period of one month.

ENTERED this 15th day of July 2025.

Lori Woodward, Certified State Hearing Officer