



July 2, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 25-BOR-2150

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: John Oglesbee, WV DoHS/BFA

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

████████████████████,

Appellant,

v.

ACTION NO.: 25-BOR-2150

**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 24, 2025, on an appeal filed on May 29, 2025.

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

At the hearing, the Respondent appeared by John Oglesbee, Community Service Manager. The Appellant appeared self-represented. Appearing as a witness for the Appellant was ██████████. The witnesses were placed under oath and the following documents were admitted into evidence:

Department's Exhibits:

- D-1 West Virginia Department of Human Services Combined Application and Review Form for Financial, Medical, and Supplemental Nutrition Assistance Program, pages 1 and 21 of 21, signed and dated January 16, 2025
- D-2 West Virginia Department of Human Services Rights and Responsibilities, pages 1 and 10, signed and dated January 16, 2025
- D-3 Personal Responsibility Contract and Initial Self-Sufficiency Plan for ██████████, signed and dated January 16, 2025
- D-4 Self Sufficiency Plan for ██████████, signed and dated January 16, 2025
- D-5 Referral for Training/Services for ██████████ signed and dated January 16, 2025

- D-6 Request for verification (DFA-6) for [REDACTED] dated January 16, 2025; Disability/Incapacity Medical Assessment form
- D-7 West Virginia Department of Human Services Department Authorization (one month car insurance payment), signed and dated February 26, 2025
- D-8 WV WORKS – Personal Responsibility Contract (PRC), self-sufficiency plan (original) for [REDACTED], signed and dated March 5, 2025
- D-9 Referral for Training/Services for [REDACTED], dated March 14, 2025
- D-10 March 2025 Participant Time Sheet for [REDACTED]
- D-11 Notice of Pending Closure of Benefits for [REDACTED], dated May 16, 2025
- D-12 Notice of second sanction and WV WORKS/WVEAP closure, dated May 19, 2025
- D-13 Screen print of case comments from May 16 to May 28, 2025 from PATH case records

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 and [REDACTED] receive WVW benefits as a two-parent household.
- 2) On January 16, 2025, the Appellant and [REDACTED] entered into a Personal Responsibility Contract (PRC) and Self Sufficiency Plan (SSP). (Exhibits D-3 and D-4)
- 3) To fulfill the activity participation requirement for program eligibility, both the Appellant and [REDACTED] were referred for SPOKES/EXCEL training and TABE testing to begin January 27, 2025, which required both to complete 150 hours a month without any childcare assistance or in the event that childcare assistance was received, 236 hours a month. (Exhibit D-5)
- 4) On January 25, 2025, the Appellant and [REDACTED] participation requirements were waived due to their vehicle being repossessed.
- 5) On February 25, 2025, the Respondent authorized payment for one month of car insurance for the Appellant to aid in obtaining another vehicle. (Exhibit D-7)
- 6) On March 5, 2025, the Appellant and [REDACTED] entered into a revised SSP wherein they agreed to complete 236 monthly activity participation hours with childcare assistance or 150 monthly activity participation hours without childcare assistance. (Exhibit D-8)

- 7) On March 14, 2025, the Appellant and [REDACTED] were referred to SPOKES/EXCEL with 236 hours of activity participation per month to be completed, beginning March 17, 2025. (Exhibit D-9)
- 8) The Appellant and [REDACTED] attended four activity participation hours in total for the month of March. (Exhibit D-10)
- 9) The Appellant and [REDACTED] did not have any activity participation hours for the months of April or May 2025.
- 10) On May 16, 2025, notices of pending closure of benefits were sent to the Appellant and [REDACTED] with an appointment date of May 28, 2025 for a case staffing. (Exhibit D-11)
- 11) On May 19, 2025, a notice of a second sanction being placed on [REDACTED] in addition to a notice of scheduled good cause appointment for May 28, 2025 were sent to the Appellant. (Exhibit D-12)
- 12) The Appellant called the Customer Service Center on May 23, 2025 asking about the pending sanction.
- 13) The Appellant and [REDACTED] failed to appear for the May 28, 2025 appointments.

APPLICABLE POLICY

WV IMM, Chapter 18, §18.4.3.B, explains that the minimum hours of participation for two-parent households depend upon the receipt of federally funded childcare. The participation requirement may be met by one or both parents. There is no requirement for each parent to participate equally. When the family does not receive federally funded childcare, the minimum number of hours of participation is 150 hours per month. When the family receives federally funded childcare, the minimum number of hours of participation is 236 hours per month.

WV IMM, Chapter 18, §18.4.3, in part, instructs that Assistance Groups (AG) must complete federally established monthly hours of approved work activities in order to meet the participation requirement. Required monthly participation hours listed in this section are minimum hours only. The number of required participation hours must be included on the participant's SSP, and in the eligibility system.

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, states that 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.

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.

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 second offense results in ineligibility for cash benefits for six months, and the third and all subsequent offenses result in ineligibility for cash assistance for twelve months.

The Appellant and [REDACTED] were receiving WVW benefits as a 2-parent household and were required to fulfill monthly activity participation of 236 hours with childcare assistance, or 150 hours without childcare assistance. On May 16 2025, the Respondent's worker determined that [REDACTED] was non-compliant with the terms of the SSP. Accordingly, the Respondent's worker placed a second sanction resulting in termination of the Appellant's WVW benefits and program ineligibility for a period of six months. The Appellant is contesting the Respondent's decision to apply a second sanction against [REDACTED] for failure to attend the assigned activity. The Respondent must prove by a preponderance of the evidence that [REDACTED] failed to attend the SSP assigned activity.

It must be noted that the Appellant and [REDACTED] averred that this was [REDACTED] third sanction, not his second. Apparently, there was a previous sanction which was lifted. The Respondent's representative, John Oglesbee, confirmed that the Respondent determined that this was only [REDACTED] second sanction which is at issue.

On January 16, 2025, the Respondent's worker referred the Appellant and [REDACTED] to SPOKES/EXCEL and TABE testing in order to fulfill the required monthly activity participation hours which were to begin on January 27, 2025. However, prior to beginning their participation requirement, their vehicle was repossessed and the Respondent's worker waived their participation requirement on January 25, 2025. On February 25, 2025, the Respondent's worker issued payment authorization for vehicle insurance for one month to assist the Appellant in obtaining another vehicle.

On March 5, 2025, the Appellant and [REDACTED] entered into a revised SSP agreeing to complete 236 monthly activity participation hours with childcare assistance of 150 hours without any childcare assistance. A referral to SPOKES/EXCEL was made for both the Appellant and [REDACTED] to begin on March 17, 2025. The evidence and testimony showed that they did attend SPOKES on March 17, 2025 for a total of four hours. No other activity participation hours were met for the month of March, April or May, 2025 by either the Appellant or [REDACTED].

The Appellant and [REDACTED] contend that when they arrived at SPOKES on March 17, 2025, the instructor had no record of their registration for classes. There was no indication on the submitted Participation Time Sheet signed by the SPOKES site supervisor that there was an issue with registration. The only notation made by the site supervisor under comments was "trying to start business". No other activity participation hours were completed by either the Appellant or [REDACTED] for the month of March, April, or May 2025.

The Appellant testified that she made several attempts to contact her worker without any success and that her worker had been unhelpful in assisting them throughout the whole process. However, the evidence showed that the Respondent's worker did assist the Appellant. Most notably, the Respondent's worker assisted with the Appellant's transportation issues, temporarily waived activity participation requirements, revised the SSPs, and made referrals to SPOKES classes. Furthermore, it would be reasonable to expect that the Appellant and/or [REDACTED] would have gone to their local office to set an appointment with their worker due to the importance of meeting their monthly activity participation requirements. There was no evidence or testimony that the Appellant or [REDACTED] made any attempt to do so.

Importantly, though, neither the Appellant nor [REDACTED] appeared for the scheduled case staffing/good cause appointment on May 28, 2025. The Appellant testified that she was unaware of the appointment scheduled for May 28, 2025 until the day before the appointment. However, no testimony was offered as to why they could not attend the appointment the following day. Additionally, the evidence and testimony showed that the Appellant had contacted the customer service center on May 23, 2025 inquiring about the pending sanction which the Appellant did not deny.

The Respondent showed by a preponderance of evidence that [REDACTED] failed to meet the terms of the SSP, specifically by not fulfilling the monthly activity participation hours. The Respondent's decision to place a second sanction against [REDACTED] is affirmed.

CONCLUSIONS OF LAW

- 1) Federal regulations require that a two-parent work eligible household meet 236 hours monthly of participation in an activity with childcare assistance or 150 hours a month without childcare assistance.
- 2) Both the Appellant and [REDACTED] entered into a SSP on March 5, 2025, to complete the required monthly activity participation hours for a two-parent household.
- 3) The Appellant and [REDACTED] attended four activity participation hours in total for the month of March by attending a SPOKES class but had no other activity participation hours for the months of April or May 2025.
- 4) [REDACTED] failed to meet the terms of the SSP.
- 5) This is [REDACTED] second offense.
- 6) Policy requires termination from the WWV program and program ineligibility for a period of six months for a second offense.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to apply a second sanction against [REDACTED] resulting in program ineligibility for a period of six months.

ENTERED this 2nd day of July 2025.

Lori Woodward, Certified State Hearing Officer