



July 9, 2025

[REDACTED]

RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 25-BOR-2242

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,

Kristi Logan
Certified State Hearing Officer
Member, State Board of Review

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

cc: Melissa Yost, [REDACTED] DoHS

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

[REDACTED],

Appellant,

v.

Action Number: 25-BOR-2242

**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 2, 2025.

The matter before the Hearing Officer arises from the May 16, 2025, decision by the Respondent to terminate the Appellant's WV WORKS cash assistance benefits.

At the hearing, the Respondent appeared by Melissa Yost, [REDACTED] DoHS. The Appellant was self-represented. The witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

None

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 benefits.
- 2) The Appellant agreed to participate in a work activity of 128 hours per month at the [REDACTED]
- 3) On May 15, 2025, the Appellant applied for Emergency Assistance at the local office.
- 4) The Appellant reported to his caseworker that he had not started his work activity with the [REDACTED].
- 5) The Respondent imposed a sanction on the Appellant on May 15, 2025, for failure to attend the assigned work activity and a good cause appointment was scheduled for May 30, 2025.
- 6) The Appellant attended the May 30, 2025, good cause meeting and provided documentation for days that he was ill in May.
- 7) The Respondent excused the Appellant from his work activity for May 5, May 6, May 7, May 8, May 9, May 20 and May 29 due to illness. The Respondent gave credit for hours for orientation the Appellant attended to become a Child Care provider in May.
- 8) The Appellant was given credit for participating in a work activity for 16 hours for May 2025 and was excused from participating due to illness for 56 hours.
- 9) The Respondent did not grant good cause to the Appellant for his failure to participate in a work activity for 128 hours and his WV WORKS cash assistance benefits were terminated May 31, 2025.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 18 explains WV WORKS eligibility requirements:

18.4.2.A All Family Household

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.

18.4.3 Required Monthly Participation Hours

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. Additional hours of participation may be assigned when appropriate. However, no sanction is applied if the minimum monthly hours are met.

18.4.3.A All Family Household

The minimum number of hours of participation is 128 hours per month unless the household meets one of the two situations described in the next two sections.

18.4.4 Missed Work Activity Hours

This policy establishes the guidelines for the treatment of hours missed in participation under WV WORKS. All missed time whether excused or unexcused, must be made up within the month in which it is missed. When it is impossible to make up time missed, the Case Manager must decide if the absence is excused or unexcused. Participation for Work-Eligible Individuals is calculated on the actual hours of attendance or participation each month.

18.4.4.C.1 Excused Absences

Excused absences of up to 16 hours/month, not to exceed a maximum of 80 hours in the 12-month period, including the current month and the preceding 11 months, may be counted as hours worked in that month. Additional days/hours of absence may be considered excused if appropriate but must not count as hours of participation. Inclement weather and states of emergency are included in the 16 hours per month, maximum 80 hours/year excused absences which may count as participation. An excused absence includes illness or other good cause which prevented participation. It is the responsibility of the Case Manager to determine if the absence is excused or unexcused based on contact with the employer/contractor and participant documentation. A determination of good cause may only be made by the Case Manager. Absences must not be used toward calculating the monthly participation hours, unless the Case Manager has determined that the absences meet the definition of what may be excused, and the participant was scheduled to work that day. The Case Manager must document in comments why the absences are being excused and how the reason for the absence was verified.

18.4.5.A Methods for Documenting Participation Hours

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. For Work-Eligible participants who are employed, other documents and methods may be used to verify work hours.

West Virginia Income Maintenance Manual Chapter 14 explains work requirements:

14.8 WV WORKS Sanctions

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.

14.8.1 Definition of a Sanction

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.

14.9 Good Cause for Failure to Participate for WV WORKS

The Case Manager has considerable discretion in imposing a sanction or granting good cause. The Case Manager must determine whether or not the participant is meeting the requirements, attempting to comply with the best of his ability, understands the requirements, and the sanction process. The Case Manager may determine that the requirement was inappropriate based upon additional assessment. In addition, the Case Manager may determine that not applying a sanction in a particular situation provides more motivation for future participation than the imposition of a sanction.

Failure or refusal to comply, without good cause, results in imposition of a sanction and a notice of adverse action must be issued, which includes scheduling the good cause interview. The appointment date for the good cause interview must be scheduled at least seven calendar days after the day following the date the letter is requested in the eligibility system or the day following the date a manual letter is sent. If the letter is hand delivered, case comments must be made indicating the date the letter was given to the participant.

DISCUSSION

Policy stipulates that failure to participate, without good cause, in a work activity results in the imposition of a sanction. Sanctions are applied in the form of 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 was required to participate in a work activity for a minimum of 128 hours per month. The Respondent imposed a first offense sanction against the Appellant on May 15, 2025, when he reported that he had not started his activity with the [REDACTED]. The Appellant provided documentation for days that he was ill in May 2025, and the Respondent gave him credit for

attending orientation to become a Child Care provider. The Respondent gave the Appellant credit for 72 hours in May 2025 based on his work activity participation and excused absences.

The Appellant testified he has been providing unpaid Child Care since April 2025 which prevented him from completing his activity with the [REDACTED]. The Appellant contended that the Respondent was aware that he was providing Child Care as he brought the children to some of his appointments with the Respondent. The Appellant stated he decided to become a certified Child Care provider so he could be paid and argued that his case worker could have verified this information with the Child Care unit.

The Respondent's witness, Melissa Yost, testified that she was unaware of the unpaid Child Care until the Appellant reported the activity during the May 15, 2025, office visit. Ms. Yost stated the Appellant did not provide any documentation regarding the days and hours he provided Child Care at the good cause meeting, only statements documenting the days he was ill.

Policy states that all hours of participation in a work activity must be verified. Although the Appellant claimed he had been providing Child Care since April 2025, he failed to provide any evidence to support this claim. The Appellant had the opportunity to verify the hours he worked at the May 30, 2025, good cause meeting but failed to provide any documentation.

Whereas the Appellant failed to provide documentation that he participated in a work activity for at least 128 hours in May 2025, the Respondent's decision to impose a first offense sanction is affirmed.

CONCLUSIONS OF LAW

- 1) Policy stipulates that failure to participate, without good cause, in a work activity results in the imposition of a sanction.
- 2) The Appellant was required to participate in a work activity for 128 hours a month.
- 3) The Appellant was given credit for participating in an activity for 16 hours in May 2025 while undergoing the certification process to become a Child Care provider.
- 4) The Appellant was excused for 56 hours of participation due to illness.
- 5) The Appellant failed to provide documentation of hours he worked providing unpaid Child Care.
- 6) The Appellant failed to participate in a work activity for 128 hours in May 2025.
- 7) The Respondent acted in accordance with policy in the imposition of a first offense sanction.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to terminate the Appellant's WV WORKS cash assistance benefits due to the imposition of a sanction.

ENTERED this 9th day of July 2025.

Kristi Logan
Certified State Hearing Officer