



July 29, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 25-BOR-2295

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-2295

**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 22, 2025.

The matter before the Hearing Officer arises from the May 12, 2025, decision by the Respondent to apply a third-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:

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 has been a recipient of WVW benefits for a total of 31 months.

- 2) On December 23, 2024, the Appellant entered into a Personal Responsibility Contract (PRC) and Self Sufficiency Plan (SSP) wherein she specifically agreed to keep all appointments with the Respondent and to report all changes within 10 days.
- 3) The Appellant was scheduled for local office appointments on April 29 and May 9, 2025.
- 4) Both notices of the appointments were sent to the Appellant's address of record: [REDACTED], but were returned from the post office.
- 5) On April 30, 2025, the Respondent's representative made two attempts to telephone the Appellant but was unsuccessful.
- 6) On May 8, 2025, the Respondent sent a request for approval from the BFA Policy Unit regarding the Appellant's third-level sanction.
- 7) On May 9, 2025, the BFA Policy Unit approved the third-level sanction against the Appellant.
- 8) On May 12, 2025, notification was sent to the Appellant's address of record regarding the sanction for failure to comply with the terms of her PRC/SSP which included a good cause appointment notice scheduled for May 19, 2025.
- 9) The Appellant failed to show for her May 19, 2025 good cause appointment.
- 10) On May 19, 2025, prior to the closure of her WV WORKS benefit case, a home visit was attempted by the Respondent's worker, however, the Appellant was not home.
- 11) On June 2, 2025, the Appellant went to her local office and verified that the address and phone number on record were correct but reported a post office box as her mailing address.
- 12) This the Appellant's sixth sanction.

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.

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. ...

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.

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 ... To be considered for future benefits, the individual will be required to re-apply for WV WORKS.

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.

WV IMM, Chapter 14, §14.8.4, Case Staffing, in part: A case staffing is required before all sanctions start. After a sanction has been imposed, the Worker must send a pending closure notice (DFA-WVW-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. ... 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. [Emphasis added]

DISCUSSION

The Appellant, who has been receiving WV WORKS benefits for a total of 31 months, entered into a PRC/SSP on December 23, 2024. According to the terms of the PRC/SSP, the Appellant agreed to keep all appointments with the caseworker and provide a 10-day notification of any changes. The Respondent's caseworker sent the Appellant notification of an appointment for April 29, 2025 and another for May 9, 2025 to the address of record – [REDACTED] [REDACTED]. Both notices were returned to the Respondent. The Respondent's representative, Jessica Geris, testified that on April 30, 2025, two unsuccessful attempts were made to reach the Appellant by telephone.

On May 8, 2025, the Division of Family Assistance (DFA) Policy Unit was notified that a third-level sanction was being requested due to missed appointments and loss of contact. On May 9, 2025, the DFA Policy Unit approved the third-level sanction. On May 12, 2025, notification of pending sanction and notification of case closure with a case staffing/good cause appointment set for May 19, 2025, were sent to the Appellant's address of record. The Appellant failed to appear and a third-level sanction became effective June 1, 2025.

The Appellant appeals the Respondent's decision averring that she did not receive the mail sent to her address of record. The Respondent must show by a preponderance of evidence that it provided the Appellant with proper notices and attempted to conduct a case staffing prior to imposing her third-level sanction.

The testimony provided showed that the address of record was [REDACTED] [REDACTED], which the notices of scheduled appointments, sanction, and closure were sent. The testimony also showed that the Appellant's caseworker attempted to reach the Appellant by phone and by a home visit prior to the closure of her WV WORKS benefit case. It was not until June 2, 2025, that the Appellant's PO Box address was provided to her case worker which was after the sanction was placed.

The Appellant unconvincingly testified that she reported her PO Box address to Michelle Walker, her case worker at the time of her WV WORKS application who wrote it down on a separate piece of paper. The Appellant also unconvincingly testified that she informed Ms. Walker that she was homeless and is only at that residence sporadically.

The Appellant also contended that upon agreement with Ms. Walker, she was to download a copy of her class schedule every month, which she averred she did. However, the Respondent's representative and Ms. Walker's supervisor, Jessica Geris, noted that there were no downloads of any class schedule found in the Appellant's case. Ms. Geris testified that Ms. Walker's email account would have been deactivated upon her departure from the Respondent's employment in April, and that an undeliverable email message would have been sent to the Appellant. The Appellant testified that she did not receive any notice of undelivered email to Ms. Walker.

The evidence and testimony support that the Appellant did not report her PO Box address to the Respondent until June 2, 2025. The Respondent made repeated attempts to notify the Appellant of appointments through her address of record and by telephone calls to meet with her to discuss

issues and to perform a case staffing. The Respondent showed by a preponderance of evidence that it correctly imposed a third-level sanction against the Appellant, resulting in WV WORKS ineligibility for a period of twelve months. This is the Appellant's sixth sanction.

CONCLUSIONS OF LAW

- 1) Policy requires all WV WORKS recipients to abide by the terms of their PRC/SSP.
- 2) The Appellant failed to appear for scheduled appointments with her case worker and communicate all changes within 10 days as a part of her PRC/SSP.
- 3) The Appellant's third-level sanction placement was approved by the DFA Policy Unit.
- 4) The Respondent's case worker attempted to contact the Appellant by using the address of record and by calling her without success prior to the imposition of the third-level sanction.
- 5) Policy requires termination from the WV WORKS program and program ineligibility for a period of one year for third and subsequent offenses.
- 6) This is the Appellant's sixth offense.
- 7) The Respondent correctly terminated the Appellant from WV WORKS eligibility for a period of one year.

DECISION

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

ENTERED this 29th day of July 2025.

Lori Woodward, Certified State Hearing Officer