



July 29, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 25-BOR-2317

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: Kimberly Coleman, WV DoHS/BFA

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

██████████,

Appellant,

v.

ACTION NO.: 25-BOR-2317

**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 July 23, 2025.

The matter before the Hearing Officer arises from the June 17, 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 Kimberly Coleman, Family Support Supervisor. The Appellant was 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 Personal Responsibility Contract and Initial Self-Sufficiency Plan (DFA-PRC-1) for ██████████ signed and dated April 29, 2025
- D-3 West Virginia Income Maintenance Manual (WV IMM), Chapter 1, §§1.5.22.A & 1.5.22.B; Chapter 18, §18.2 (excerpt)
- D-4 Notice of Appointment (CSLW), sent to ██████████ dated June 4, 2025
- D-5 WV IMM, Chapter 18, §18.7.5.D
- D-6 Notice of second-level sanction resulting in WV WORKS case closure, and good cause appointment (AE07), dated June 17, 2025
- D-7 Notice of Pending Closure of Benefits (DFA-WVW-5), dated June 19, 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 and [REDACTED] receive WVV benefits as a two-parent household.
- 2) On April 29, 2025, the Appellant and [REDACTED] entered into a Personal Responsibility Contract (PRC) and Self Sufficiency Plan (SSP). (Exhibit D-2)
- 3) As part of the April 2025 SSP, [REDACTED] agreed to attend all appointments, be available for home visits, and return his DIMA-1 (Disability/Incapacity Medical Assessment) form by May 13, 2025. (Exhibit D-2)
- 4) [REDACTED] has not returned the DIMA-1 to date.
- 5) On May 13, 2025, a home visit was scheduled but had to be rescheduled by the case worker for May 19, 2025. (Exhibit D-1)
- 6) [REDACTED] was not available for the May 19, 2025 home visit due to his father's medical emergency. (Exhibit D-1)
- 7) On June 4, 2025, the Respondent issued notification to [REDACTED] to his address of record [REDACTED] regarding an office appointment scheduled for June 13, 2025. (Exhibit D-4)
- 8) [REDACTED] failed to attend the June 13, 2025 appointment.
- 9) On June 17, 2025, a notification of a second-level sanction being applied to [REDACTED] for failing to comply with the terms of his PRC/SSP by not keeping his scheduled appointment was sent to his address of record, along with notice of a good cause appointment for June 26, 2025. (Exhibit D-6)
- 10) On June 19, 2025, a Notice of Pending Sanction with a case staffing appointment for June 26, 2025 was sent to [REDACTED]. (Exhibit D-7)
- 11) The Appellant appeared for the June 26, 2025 case staffing/good cause appointment. No good cause was established. (Exhibit D-1)
- 12) This is [REDACTED] second offense.

APPLICABLE POLICY

WV IMM, Chapter 1, §1.5.22, Self-Sufficiency Plan, 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 1, §1.5.22.B, First Full SSP: After the assessment process described in Section 18.7 has been implemented, the Worker is required to complete a full SSP. The first full SSP must be completed and signed within 30 days of the date of application and must be based on information determined through the assessment process, including the information obtained from form DFA-WVW-3A.

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 18, §18.7.5.D, 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. The Case Manager may provide written notice of the appointment by including it on the initial SSP or by using any approved appointment forms. The written notice may be given to him during the interview or may be mailed ... 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 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.

DISCUSSION

The Appellant and [REDACTED] were receiving WVW benefits as a 2-parent household. On April 29, 2025, they entered into an initial SSP which required them to keep all appointments, and for [REDACTED] to be available for home visits, and to complete his DIMA-1 by May 13, 2025. On May 19, 2025, after a reschedule made by the Appellant's case worker, a home visit was completed with the Appellant. However, [REDACTED] was not in attendance evidently due to his father's emergency surgery. On June 4, 2025, notification of an office appointment scheduled for June 13, 2025, was sent to [REDACTED] address of record, [REDACTED]. [REDACTED] failed to show for the scheduled appointment. On June 17, 2025, a notice of a second-level sanction for failing to meet the terms of the PRC/SSP by missing an appointment was sent to [REDACTED] to his address of record, which included a good cause appointment scheduled for June 26, 2025. A notice of pending sanction was also sent to [REDACTED] on June 19, 2025 with a case staffing appointment scheduled for June 26, 2025. The Appellant appeared for the June 26, 2025 good cause/case staffing appointment but did not establish good cause for [REDACTED] failure to keep the June 13, 2025 appointment. The Appellant appeals the Respondent's decision. The Respondent must prove by a preponderance of evidence that [REDACTED] was properly notified but failed to comply with the program requirements outlined in the PRC/SSP.

The Appellant contends that they have had problems with receiving their mail at the previous address they had on record of [REDACTED]. The Appellant testified that they were previously sanctioned because of not receiving mail at the [REDACTED] address. However, the testimony and evidence showed that the Appellant did not change her mailing address until June 26, 2025, after the good cause denial.

The Appellant testified they did not receive the June 4, 2025 notice of the scheduled appointment for [REDACTED] until the day before the appointment. However, [REDACTED] failed to show for the June 13, 2025 appointment or contact the case worker to inform her why he could not attend. Additionally, it is noted that [REDACTED] failed to return a DIMA-1 by May 13 2025 or explain why this could not be accomplished.

The Appellant's caseworker sent notification of the June 13, 2025 scheduled appointment to [REDACTED] address of record. Additionally, the Appellant testified that they were aware of the June 13, 2025 appointment, however, they failed to attend or to call their case worker.

The Respondent showed by a preponderance of evidence that all notices were sent to the address of record for [REDACTED] and that he failed to keep a scheduled appointment or contact his worker to explain why he could not keep the appointment. This is [REDACTED] second offense. The Respondent's decision to apply a second-level sanction against [REDACTED] is affirmed.

CONCLUSIONS OF LAW

- 1) [REDACTED] entered into a PRC/SSP on April 29, 2025, wherein he agreed to keep all appointments.
- 2) The Appellant's case worker sent notification of a scheduled appointment for June 13, 2025 to [REDACTED] address of record.
- 3) [REDACTED] failed to appear for the scheduled appointment.
- 4) [REDACTED] failed to meet the terms of his PRC/SSP.
- 5) This is [REDACTED] second offense.
- 6) Policy requires termination from the WV WORKS 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 29th day of July 2025.

Lori Woodward, Certified State Hearing Officer