



July 30, 2025

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 25-BOR-2325

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**

[REDACTED],

Appellant,

v.

ACTION NO.: 25-BOR-2325

**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 June 2, 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 John Oglesbee, Community Service Manager. The Appellant was self-represented. The witnesses were placed under oath and the following documents were admitted into evidence:

Department's Exhibits:

- D-1 Request for WV WORKS Cash Assistance (DFA-RFA-1), signed and dated February 4, 2025
- D-2 Department of Human Services State of West Virginia Combined Application and Review Form for Financial, Medical, and Supplemental Nutrition Assistance Program (CAF) (excerpt), signed and dated February 6, 2025
- D-3 West Virginia Department of Health and Human Services, Rights and Responsibilities (DFA-RR-1) (excerpt), signed and dated February 6, 2025
- D-4 West Virginia Department of Health and Human Services, Referral for Training/Service, signed and dated February 6, 2025
- D-5 WV WORKS – Personal Responsibility Contract (PRC), Self-Sufficiency Plan (DFA-PRC-1), signed and dated February 6, 2025
- D-6 Notice of Scheduled Home Interview Appointment, dated May 16, 2025
- D-7 West Virginia Department of Human Services, Notification of Missed Home Visit (DFA-HV-1), dated May 28, 2025

D-8 West Virginia Department of Human Services, WV WORKS 3rd and Subsequent Sanction Request (DFA-WVV-75), dated May 30, 2025

D-9 Email from the DFA Policy Unit to John Oglesbee, dated May 30, 2025

D-10 West Virginia Department of Human Services, Notice of Pending Closure of Benefits (DVA-WVV-5), dated May 30, 2025

D-11 Notice of Sanction and Good cause Appointment (AEO7 and EDC1), dated June 2, 2025

D-12 Screen print of case comments from PATH system from February 6 to July 1, 2025

D-13 Screen print of pin comments from PATH system February 6 to May 30, 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 was receiving WVV benefits in a single-parent household in [REDACTED] County, West Virginia.
- 2) On February 26, 2025, the Appellant entered into a Personal Responsibility Contract (PRC) and Self Sufficiency Plan (SSP) wherein she specifically agreed to participate in 85 hours per month of an assigned activity, specifically to begin SPOKES/TABE classes. (Exhibit D-5)
- 3) The Appellant was to start her SPOKES/TABE classes on March 3, 2025. (Exhibits D-4 and D-5)
- 4) The Appellant failed to begin her SPOKES/TABE classes on March 3, 2025 and failed to call the SPOKES/TABE instructor or her caseworker. (Exhibits D-12 and D-13)
- 5) After contacting the Appellant on March 3, 2025, the Appellant's caseworker verified that the Appellant and her children were sick with the flu thereby excusing her failure to begin her SPOKES/TABE classes on March 3, 2025. (Exhibits D-12 and D-13)
- 6) The Appellant's caseworker attempted to reach her by telephone and left messages on April 8 and May 16, 2025, without a response from the Appellant. (Exhibits D-12 and D-13)
- 7) The Appellant did not meet any participation hours as per her PRC/SSP.
- 8) On May 16, 2025, a notice of a scheduled home interview for May 28, 2025 was sent to the Appellant's address of record [REDACTED] (Exhibit D-6)

- 9) On May 28, 2025, the Respondent issued a notification of a missed home visit to the Appellant's address of record. (Exhibit D-7)
- 10) Two home visits were attempted by the caseworker, one on May 28 and another on May 30, 2025. (Exhibit D-8)
- 11) On May 30, 2025, the Appellant's caseworker and community service manager made a request for approval from the DFA Policy Unit regarding imposing a third-level sanction against the Appellant. (Exhibit D-8)
- 12) On May 30, 2025, the DFA Policy Unit approved the third-level sanction against the Appellant. (Exhibit D-9)
- 13) A Notice of Pending Closure of Benefits was sent to the Appellant's address of record on May 30, 2025, along with a case staffing appointment for June 9, 2025. (Exhibit D-10)
- 14) On June 2, 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, specifically for failing to attend an assigned activity. (Exhibit D-11)
- 15) The June 2, 2025 notification also included a notice of good cause appointment scheduled for June 9, 2025. (Exhibit D-11)
- 16) The Appellant moved to [REDACTED] County, West Virginia on or around May 25, 2025 but did not report her change in address until June 10, 2025.

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 18, §18.4.3.A.1, Single Parent of a Child under Age Six: A single Work-Eligible parent with a child under age six meets the work participation requirement by participating 85 hours/month. The scheduled hours in the eligibility system must not exceed the minimum monthly participation rate requirements. The parent may be required to participate more than 85 hours on their SSP or may volunteer to participate more than the required hours, but no sanction may be imposed as long as the minimum level is met.

WV IMM, Chapter 18, §18.4.3, Required Monthly Participation Hours, in part: 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.

WV IMM, Chapter 18, §18.4.4, Missed Work Activity Hours, in part: 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.

WV IMM, Chapter 14, §14.8, WV WORKS Sanctions, in part: 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, Definition of a Sanction, 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 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, Advance Notice, 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

On June 2, 2025, the Respondent imposed a third-level sanction against the Appellant’s WV WORKS benefits. The sanction was imposed due to the Appellant’s failure to comply with her PRC/SSP. Specifically, the Appellant failed to attend an assigned activity. The imposed sanction resulted in the termination of the Appellant’s WV WORKS benefits, effective July 1, 2025, for a twelve-month period. The Appellant appeals the Respondent’s decision. The Respondent must prove by a preponderance of evidence that it correctly notified the Appellant and attempted a case staffing prior to the imposition of a third-level sanction against the Appellant for failing to comply with the program requirements outlined in her PRC/SSP.

On February 6, 2025, the Appellant completed her PRC/SSP and agreed to participate in 85 monthly activity hours by attending SPOKES/TABE classes to begin March 3, 2025. The Appellant failed to attend any SPOKES/TABE classes. The Appellant’s non-compliance with the PRC/SSP resulted in the imposition of a third-level sanction.

Prior to the imposition of the third-level sanction, the Respondent sought approval from the DFA Policy Unit. The Respondent explained that all attempts to contact the Appellant have been unsuccessful and that the Appellant failed to meet any participation hours. Upon approval, the Respondent issued a notice to the Appellant at her address of record [REDACTED]

[REDACTED] on May 30, 2025, that there was a pending sanction and a case staffing appointment for June 9, 2025. On June 2, 2025, the Respondent sent to the Appellant’s address of record a notice of the imposition of a sanction to take effect on July 1, 2025 and provided her an opportunity to discuss the issues with the Appellant and provide good cause for her non-compliance. The Appellant failed to appear or contact the Respondent on the scheduled date.

The Appellant contended that she had issues with daycare so she could not attend her activity. The Appellant unconvincingly averred that she left her caseworker emails and phone messages without receiving a response. The evidence showed that the Appellant’s caseworker left her telephone messages on April 8 and May 16, 2025 without a response from the Appellant. On May 16, 2025, the Appellant’s caseworker sent notification to the Appellant’s address of record regarding a

scheduled home visit for May 28, 2025 - the Appellant was not home. The Appellant's caseworker also attempted to conduct a home visit on May 30, 2025, but was unsuccessful. The Appellant had not completed any participation hours as she had agreed on her February 2025 PRC/SSP.

It was not until June 10, 2025 that the Appellant contacted the Respondent regarding her move to [REDACTED] County, West Virginia. The Appellant unconvincingly testified that she attempted to call her caseworker after her move to [REDACTED] County, West Virginia on May 25, 2025.

Policy requires that when an individual fails to comply with the requirements outlined in the SSP, a sanction is imposed unless the case manager determines that good cause exists. Sanctions are applied in the form of terminations of WV WORKS benefits. Third and subsequent offenses for failure to comply with the SSP result in a termination of benefits for a period of twelve months. All third and subsequent sanctions require the approval of the DFA Policy Unit and that a case staffing must be attempted.

The evidence showed that the Appellant failed to comply with the requirements of her SSP. While the Appellant purported communication issues, the Respondent documented attempts to notify the Appellant by telephone and by home visits, but no contact with the Appellant was successful. The evidence supports that the case worker attempted two home visits in May 2025 to meet with the Appellant prior to the imposition of the third-level sanction. Additionally, the Respondent attempted to reach the Appellant and provide her with an opportunity to provide good cause for her non-compliance prior to effective date of the third-level sanction. All notices were sent to the Appellant's address of record. The Appellant failed to inform the Respondent of her plans to move out of the county or provide her new address until June 10, 2025. Due to the Appellant's non-compliance with program requirements, the Respondent was correct in its decision to impose a third-level sanction and terminate WV WORKS eligibility for a period of twelve months.

CONCLUSIONS OF LAW

- 1) Policy requires all WV WORKS recipients to abide by the terms of their PRC/SSP.
- 2) The Appellant agreed to complete 85 monthly hours of participation activity, complete SPOKES/TABE classes, and communicate all changes within 10 days as a part of her February 6, 2025 PRC/SSP.
- 3) The Appellant failed to fulfill the terms of her PRC/SSP by not participating in an activity or begin SPOKES/TABE classes.
- 4) The Appellant's third-level sanction placement was approved by the DFA Policy Unit.
- 5) The Respondent's case worker attempted to meet with the Appellant on two occasions in May 2025 prior to the imposition of the third sanction.
- 6) Policy requires termination from the WV WORKS program and program ineligibility for a period of twelve months for third and subsequent offenses.

- 7) This is the Appellant's third offense.
- 8) The Respondent correctly terminated the Appellant from WV WORKS eligibility for a period of twelve months.

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 30th day of July 2025.

Lori Woodward, Certified State Hearing Officer