



October 22, 2025

[REDACTED]

RE: [REDACTED] v. DoHS/BFA
ACTION NO.: 25-BOR-2978

Dear Ms. [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] County DoHS

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

[REDACTED]

Appellant,

v.

Action Number: 25-BOR-2978

**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 October 15, 2025.

The matter before the Hearing Officer arises from the August 27, 2025, decision by the Respondent to terminate WV WORKS cash assistance benefits.

At the hearing, the Respondent appeared by Angela Proffitt, [REDACTED] County DoHS. Appearing as a witness for the Respondent was Stephanie Gillespie, [REDACTED] County 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 received WV WORKS cash assistance for an eight-person assistance group.
- 2) The Appellant was excluded from the WV WORKS assistance group as she does not meet the citizenship requirements.
- 3) On August 15, 2025, the Respondent received a data exchange new hire alert for the Appellant reporting that she was hired at [REDACTED] on August 3, 2025.
- 4) On August 18, 2025, the Respondent pended the Appellant's case for verification of the new employment income.
- 5) On August 25, 2025, the Appellant reported to her case worker that she had quit the job at [REDACTED]
- 6) The Respondent case worker contacted [REDACTED] and confirmed that the Appellant quit her job.
- 7) The Respondent sent a notice to the Appellant on August 27, 2025, advising that she would no longer receive WV WORKS benefits after September 30, 2025, as she had voluntarily quit employment without good cause.

APPLICABLE POLICY

Code of Federal Regulations Title 45 §261.14 explain work requirements for WV WORKS:

What is the penalty if an individual refuses to engage in work?

- (a) If an individual refuses to engage in work required under section 407 of the Act, the State must reduce or terminate the amount of assistance payable to the family, subject to any good cause or other exceptions the State may establish. Such a reduction is governed by the provisions of §261.16.
- (b)
 - (1) The State must, at a minimum, reduce the amount of assistance otherwise payable to the family pro rata with respect to any period during the month in which the individual refuses to work.
 - (2) The State may impose a greater reduction, including terminating assistance.
- (c) A State that fails to impose penalties on individuals in accordance with the provisions of section 407(e) of the Act may be subject to the State penalty specified at §261.54.

West Virginia Income Maintenance Manual Chapter 10 explains reporting requirements:

10.5.2.B Timely Reporting

For WV WORKS cases, a client must report all changes in circumstances within 10 days. New earned income must be reported within 10 days of the date new employment begins to avoid certain penalties. The earned income disregard and dependent care deduction are

not applied to any month's income received during the time the employment is unreported and any month's income for which earnings were not reported.

West Virginia Income Maintenance Manual Chapter 1 explains eligibility requirements for WV WORKS:

1.5.13 Beginning Date of Eligibility

The beginning date of eligibility is retroactive to the date of application once the following requirements are met complete orientation, complete Personal Responsibility Contract (PRC), complete Self-Sufficiency Plan (SSP), and receive necessary verifications including the results of a drug test if required. There are other circumstances which also affect the beginning date of eligibility as follows:

- If, in the 30-day period prior to the date of application, a parent or caretaker relative included in the payment, or non-recipient Work-Eligible Individual:
 - voluntarily reduces their hours, without good cause; or
 - quits full-time or part-time employment or training for employment, without good cause; or
 - refuses full-time or part-time employment or training for employment, without good cause.

The AG is ineligible until 45 days after the employment or training is no longer available. Benefits may not be issued for any part of the 45-day period of ineligibility. See Chapter 14 for the determination of good cause.

Once an AG is a recipient of WV WORKS, the 45-day ineligibility period will not apply to any active WV WORKS case through the month of closure. Any of the three situations described above are sanctionable offenses in an active WV WORKS case. **When an AG meets all of the following criteria, it is considered a violation, and they are not subject to the 45-day ineligibility period. Instead, the AG or non-recipient Work-Eligible Individual is reopened, and a sanction subsequently applied.**

- The AG was closed due to earnings of a parent, a non-recipient Work- Eligible Individual, or a non-parent caretaker included in the payment and he later quits his job without good cause; and
- The quit occurs within the effective month of closure; and
- The parent, non-recipient Work-Eligible Individual or non-parent caretaker, reapply for a monthly WV WORKS check during the effective month of closure.

Because the case is considered to be open until the last day of the effective month of closure, the violation is treated as non-compliance and a sanction is imposed. If another sanction(s) has been previously imposed, this sanction is imposed at the next highest level. The AG is approved for the month following the effective month of closure and then is notified of the imposition of the sanction at the next level. As with any other WV WORKS case, the individual must be provided an opportunity to establish good cause and/or comply during the 13-day advance notice period prior to imposition of the sanction.

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. Information about development of the SSP is found in Chapter 18. Information about the PRC and SSP as an eligibility requirement is found in Section 1.5.

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.

14.8.4 Case Staffing

A case staffing is required before all sanctions start. After a sanction has been imposed, the Worker must send a pending closure notice (DFAWVW-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. It is recommended that the case staffing occur as soon as possible after the notification to try to avoid 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. However, the home visit does not substitute for the case staffing.

14.9 Good Cause for Failure to Participate in WV WORKS

All Work-Eligible Individuals must be placed into an allowable activity described in Chapter 18.10 – 18.18 on approval date after negotiation of the Self-Sufficiency Plan (SSP), unless a good cause reason discussed below exists. The participant must remain in that activity until either the case is closed at the end of the month or the Case Manager and participant agree to change the activity. 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.

The Case Manager must determine if good cause exists if a parent or a non-parent caretaker relative included in the payment, or a non-recipient Work-Eligible Individual quits or refuses employment within the 30-day period prior to the date of application or when the client fails or refuses to meet his work requirement and/or adhere to his SSP requirements. Appropriate documentation must be provided, and the circumstances must be recorded in comments, where applicable.

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. If the appointment is scheduled for a date prior to the seven calendar days, the participant and the Case Manager must agree on the appointment date. A system generated letter or a manual letter (DFA-WVV-NL-1) is used.

DISCUSSION

Policy stipulates that when a member of the assistance group 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 good cause exists. Sanctions are applied in the form of termination of WV WORKS benefits. A sanctionable offense occurs when a non-recipient Work-Eligible individual quits part-time or full-time employment without good cause.

The Appellant is a non-recipient Work-Eligible individual. On August 15, 2025, the Respondent discovered that the Appellant was hired at [REDACTED] on August 3, 2025, and requested verification of the new employment income. The Appellant notified the Respondent on August 25, 2025, that she had separated from employment with [REDACTED]

Stephanie Gillespie, the Appellant's case worker, testified that the Appellant advised her that the schedule at [REDACTED] was not working out. Ms. Gillespie stated she contacted [REDACTED] and learned that the Appellant "clocked out" at the end of her shift and never returned. Ms. Gillespie contended that voluntarily quitting employment without good cause is a sanctionable offense and as a result, the Appellant's WV WORKS benefits were terminated.

The Appellant did not dispute that she quit employment with [REDACTED] but contended that she was not properly trained at [REDACTED] and was not provided with assistance from her employer when asked. The Appellant reported that she is now employed with [REDACTED]

The Respondent did not provide evidence for the hearing, including the PRC/SSP signed by the Appellant. There was no testimony regarding non-compliance with the requirements listed on the PRC/SSP. The Respondent contended that the Appellant's WV WORKS benefits were terminated due to voluntarily quitting employment without good cause.

Policy stipulates that if, in the 30-day period prior to the date of application, a parent or caretaker relative included in the payment, or non-recipient Work-Eligible Individual quits full-time or part-time employment or training for employment, without good cause, the AG is ineligible until 45 days after the employment or training is no longer available. However, once an AG is a recipient of WV WORKS, the 45-day ineligibility period will not apply to any active WV WORKS case through the month of closure. When an AG meets **all** of the following criteria, it is considered a violation, and they are not subject to the 45-day ineligibility period:

- The AG was closed due to earnings of a parent, a non-recipient Work-Eligible Individual, or a non-parent caretaker included in the payment and he later quits his job without good cause; **and**
- The quit occurs within the effective month of closure; **and**
- The parent, non-recipient Work-Eligible Individual or non-parent caretaker, reapplies for a monthly WV WORKS check during the effective month of closure.

Instead, the AG or non-recipient Work-Eligible Individual is reopened, and a sanction subsequently applied.

The August 27, 2025, notice of termination advised the Appellant that she would not receive WV WORKS benefits after September 30, 2025, due to voluntarily quitting employment. The Appellant's WV WORKS benefits were not terminated due to her earnings, and the effective month of case closure was the month after the Appellant quit employment. There was no testimony provided regarding the Appellant's reapplication status. The Appellant did not meet the criteria listed in policy for the imposition of a voluntary quit sanction.

Furthermore, policy states that prior to the effective date of a sanction, case staffing must be held with the recipient to allow the recipient to provide good cause for the sanctionable offense. There was no testimony or evidence provided that case staffing was scheduled for the Appellant prior to the effective date of the sanction.

The Respondent's decision to terminate the Appellant's WV WORKS benefits due to voluntarily quitting employment without good cause is not supported by policy. The Appellant failed to report the onset of employment within ten days as required by policy and had the Appellant reported the employment timely, the WV WORKS benefit may have closed due to excessive income. However, there was no testimony provided regarding the Appellant's earnings received in August 2025 from [REDACTED] or her last date of employment. Because the Appellant's WV WORKS benefits were not closed due to excessive earned income and the Appellant separated from employment the month prior to the effective month of closure, the Respondent failed to follow policy in the imposition of a sanction due to voluntarily quitting employment.

CONCLUSIONS OF LAW

- 1) Voluntarily quitting employment without good cause is a sanctionable offense for the WV WORKS program.
- 2) For active WV WORKS cases, if the criteria listed in policy is met, the individual who voluntarily quit employment without good cause is subject to a sanction.

- 3) Policy requires that the WV WORKS benefit was closed due to earned income.
- 4) The Appellant's case was not closed due to earned income.
- 5) Policy requires that the voluntary quit must have occurred during the effective month of case closure.
- 6) The Appellant quit working at [REDACTED] in August 2025 and received WV WORKS benefits in September 2025.
- 7) Policy requires that a reapplication must be made during the effective month of case closure.
- 8) There was no information provided that the Appellant reapplied for WV WORKS benefits.
- 9) The Respondent failed to follow policy in the imposition of a WV WORKS sanction due to voluntarily quitting employment.

DECISION

It is the decision of the State Hearing Officer to **reverse** the decision of the Respondent to terminate the Appellant's WV WORKS cash assistance benefits.

ENTERED this 22nd day of October 2025.

Kristi Logan
Certified State Hearing Officer