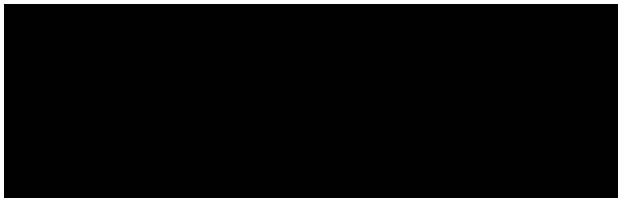




Esta es la decision de su Audiencia Imparcial. La decision del Departamento ha sido confirmada/invertido/remitido. Si usted tiene preguntas, por favor llame a 304-267-0100

May 20, 2026



RE: [REDACTED] v. WV DoHS/BFA
ACTION NOS.: 26-BOR-1457 and 26-BOR-1518

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.: 26-BOR-1457
26-BOR-1518**

**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 originally scheduled to convene on March 31, 2026, but was continued upon the Appellant's motion to April 15, 2026, and was continued to convene on May 19, 2026.

The matter before the Hearing Officer arises from the February 4, 2026 decision by the Respondent to apply a West Virginia Works (WVW) first level sanction and to reduce Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Jessica Geris, Family Support Supervisor. The Appellant was present and was represented by [REDACTED] of Legal Aid of WV. Observing was [REDACTED] Assistant Attorney General.

On May 15, 2026, the Appellant's representative filed an Amended Motion alleging non-receipt of the Appellant's entire case record, which was requested on March 18, 2026. The Motion was heard prior to commencement of the hearing on the issues. It was determined that [REDACTED] has the Appellant's entire case file. [REDACTED] agreed to move forward with the hearing.

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 Self-Sufficiency Plan, signed and dated January 29, 2026
- D-3 WV WORKS - Personal Responsibility Contract (PRC), signed and dated January 29, 2026
- D-4 West Virginia Department of Health and Human Resources Referral for Training/Services, signed and dated January 29, 2026
- D-5 Email from [REDACTED], [REDACTED], dated February 3, 2026
- D-6 WV Income Maintenance Manual (WV IMM), Chapter 18, §18.7.5.D (excerpt)
- D-7 WV IMM, Chapter 1, §1.5.21
- D-8 WV IMM, Chapter 14, §14.8
- D-9 West Virginia Department of Human Services, Notice of Pending Closure of Benefits (DFA-WVW-5 REV 8-24), dated February 12, 2026
- D-10 WV IMM, Chapter 14, §14.8.4 (excerpt)
- D-11 West Virginia Department of Human Services, Notice of Pending Reduction of Benefits, dated February 12, 2026
- D-12 Notice of first sanction and WV WORKS/WVEAP closure, office interview appointment, and SNAP reduction, dated February 4, 2026
- D-13 West Virginia Department of Human Services, Case Staffing Information Form, signed and dated February 12, 2026
- D-14 WV IMM, Chapter 14, §14.9
- D-15 Copies of income statements
- D-16 WV IMM, Chapter 14, §14.10; copy of Case Comments and Individual Comments from Appellant's PATH case

Appellant's Exhibits:

- A-1*
- A-2 Copy of Appellant's email to [REDACTED] dated January 30, 2026
- A-3 Copy of Case Comments, February 2 and March 6, 2026 from Appellant's PATH case
- A-4 Copy of Individual Comments, January 30, 2026, from Appellant's PATH case
- A-5 West Virginia Department of Human Services, Case Staffing Information Form, signed and dated February 12, 2026
- A-6 WV IMM, Chapter 14, §14.8
- A-7 Notarized Affidavit of [REDACTED], undated
- A-8 [REDACTED] Office Visit, dated May 15, 2026
- A-9 Appellant's Amended Motion to Reverse Adverse Action, filed May 15, 2026

*Missing

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) On January 29, 2026, the Appellant entered into a Personal Responsibility Contract (PRC), Self Sufficiency Plan (SSP), and agreed to a Referral for Training/Services as part of her WVW cash assistance application. (Exhibits D-2 through D-4)
- 2) Under the PRC and Referral for Training, the Appellant agreed to attend Test of Adult Basic Education (TABE) testing on February 3, 2026. (Exhibits D-3 and D-4)
- 3) On February 3, 2026, the Respondent's representative received notification from [REDACTED] that the Appellant failed to attend the TABE testing. (Exhibit D-5)
- 4) On February 3, 2026, the Appellant's case worker, Morgan Myers, imposed a first level sanction and issued a Notice of Pending Reduction of Benefits and Notice of Pending Closure of Benefits, both with notification of a February 12, 2026 appointment at 1:30 pm. (Exhibits D-9 and D-11)
- 5) On February 4, 2026, the Respondent issued a notice to the Appellant of SNAP reduction and WV WORKS/WVEAP closure, along with a notice of an Office Interview Appointment set for February 12, 2026, at 1:30 pm. (Exhibit D-12)
- 6) The Appellant attended the case staffing/good cause appointment on February 12, 2026, with the Respondent's representative, Jessica Geris.
- 7) At the time of the case staffing/good cause appointment, the Appellant explained she had a medical emergency on the day of the scheduled TABE testing without any corroboration.
- 8) Ms. Geris determined there was no good cause to remove the first level sanction.
- 9) The Appellant initialed and signed a Case Staffing Information Form, dated February 12, 2026, acknowledging the implementation of the first level sanction for the duration of one month. (Exhibit D13)
- 10) The first level, one month, sanction commenced on March 1, 2026.
- 11) On February 27, 2026, the Appellant filed an appeal of the Respondent's decision to apply a first level sanction to her WVW cash assistance benefits and to reduce her SNAP benefits.

APPLICABLE POLICY

WV IMM, Chapter 1, §1.5.21, 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. 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, 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.

WV IMM, Chapter 18, §18.7.5.D, in part: Failure without good cause to keep appointments indicates a failure/refusal to cooperate or participate. 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, 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: 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.

Once the beginning of the sanction period has started, it cannot be stopped until the appropriate time has elapsed. Once the beginning of the sanction period has started, it cannot be stopped until the appropriate time has elapsed.

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, 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 (DFAWVW-5) or system notice, which includes an appointment for a case staffing.

WV IMM, Chapter 14, §14.9, in part: All Work-Eligible Individuals must be placed into an allowable activity after negotiation of the Self-Sufficiency Plan (SSP), unless a good cause reason 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. 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.

DISCUSSION

On February 3, 2026, the Respondent imposed a first level, one-month, sanction against the Appellant, resulting in program ineligibility for a period of one month and termination of her WVW cash assistance benefits. This sanction was the result of the Appellant's failure to comply with her PRC. Specifically, the Appellant failed to appear for TABE testing appointment on February 3, 2026. Notification of the imposition of the first level sanction against the Appellant for her WVW case assistance benefits along with a scheduled Office Interview Appointment on February 12, 2026, at 1:30 pm, was issued on February 4, 2026. The February 4, 2026 letter also included notification that the Appellant's SNAP benefits were being reduced due to a reduction of her shelter and/or utility costs and increase in income. The Appellant appeals the Respondent's decision.

The Respondent must prove by a preponderance of evidence that the Appellant failed to comply with the program requirements outlined in her PRC without good cause and that her SNAP benefits were correctly reduced.

The Appellant is a recipient of WVW and SNAP benefits. As a condition of her WVW eligibility, she entered into an SSP/PRC on January 29, 2026, agreeing to take the TABE test on February 3, 2026. Additionally, the Appellant signed and dated a Referral for Training/Services on January 29, 2026, agreeing to attend the scheduled February 3, 2026 appointment for TABE testing. [REDACTED] with the [REDACTED] notified the Respondent's case worker, Morgan Myers, that the Appellant failed to attend the scheduled TABE testing. Accordingly, on February 3, 2026, Ms. Myers applied a first level sanction to the Appellant and issued a Notice of Pending Reduction of Benefits and a Notice of Pending Closure of Benefits, explaining the reason for the sanction and a scheduled appointment for February 12, 2026, at 1:30 pm to discuss the sanction.

The Appellant attended the February 12, 2026 good cause/case staffing meeting with the Respondent's representative, Jessica Geris. Ms. Geris stated that during the good cause/case staffing meeting, the Appellant explained that she had suffered a seizure which prevented her from attending the scheduled appointment. Ms. Geris testified that at the good cause/case staffing meeting, she asked the Appellant if she had any documentation or witnesses to the seizure, which Ms. Geris reported that the Appellant replied that she did not. The Appellant explained that she did not have any documentation as she did not go to the hospital post seizure.

The Appellant testified that she spoke to her case worker on February 2, 2026, to explain why she did not attend the TABE testing and was told she could get a witness statement. The testing was on February 3, 2026. There is no documentation or corroborating evidence showing that the Appellant contacted the Respondent on either February 2 or 3, 2026. The Appellant did submit for the hearing a notarized statement from [REDACTED] who wrote that he witnessed the Appellant experience a seizure on February 2, 2026. This statement by [REDACTED] was undated and not produced at the good cause/case staffing appointment on February 12, 2026. Additionally, the scheduled TABE testing was for the following day, February 3, 2026, which makes the statement questionable. [REDACTED] did not appear as a witness for the hearing, and therefore, could not be questioned about his statement. For these reasons, the Appellant's assertion regarding her good cause and the submitted affidavit is given little weight.

The Respondent showed by a preponderance of evidence that the Appellant failed to meet the terms of her SSP/PRC by failing to attend the February 3, 2026 TABE testing. Accordingly, a sanction must be applied. This is the Appellant's first sanction.

It is also noted that the Respondent applied the first level sanction despite the Appellant's timely appeal. The sanction was served in the month of March. However, as the first level sanction is upheld, no further action is required.

Regarding the reduction of the Appellant's SNAP benefits, however, the Respondent failed to show it correctly reduced the Appellant's SNAP benefits beginning March 1, 2026, as indicated in the February 4, 2026 notice. There was no evidence or testimony provided to show the stated decrease in the Appellant's shelter and/or utility costs and an increase in income affecting her SNAP benefits which would have affected her March benefits. Although the evidence indicated that the Appellant reported beginning work, providing screen shots of her pays, this was not provided until February 12, 2026, after the February 4, 2026 notice of SNAP reduction. Ms. Geris testified that the Appellant's SNAP benefits were currently pending due to the reported income. However, it is unknown when or if a verification request was issued or was due. However, the Respondent failed to show that the SNAP reduction as stated in the February 4, 2026 notice, was correctly calculated, and therefore cannot be affirmed.

CONCLUSIONS OF LAW

- 1) Policy requires that whenever the terms of an SSP/PRC are violated without good cause, a sanction must be applied.
- 2) The Appellant agreed to attend the TABE testing scheduled for February 3, 2026, as noted on her January 29, 2026 SSP/PRC and signed Referral for Training/Services.
- 3) The Appellant failed to attend the February 3, 2026 TABE testing which violated the term of her SSP/PRC.
- 4) No good cause was found for the Appellant's failure to attend the February 3, 2026 TABE testing.

- 5) The first-level sanction against the Appellant is affirmed.
- 6) The Respondent failed to show that it correctly reduced the Appellant's March 1, 2026 SNAP benefits due to a reduction in shelter and/or utility costs and an increase in income as outlined in the February 4, 2026 notice and therefore cannot be affirmed.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to apply a first level sanction against the Appellant resulting in program ineligibility for a period of one month and termination of her WVW cash assistance. The State Hearing Officer **REVERSES** the Respondent's February 4, 2026 decision to reduce the Appellant's SNAP benefits as outlined in the Respondent's February 4, 2026 notice of decision.

ENTERED this 20th day of May 2026.

Lori Woodward, Certified State Hearing Officer