



Ann Urling
Inspector General

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

July 2, 2026



RE: [REDACTED] v. WV DoHS/BFA
ACTION NOS.: 26-BOR-2075 and 26-BOR-2076

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: Keah Williams, WV DoHS/BFA

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

[REDACTED]

Appellant,

v.

**ACTION NO.: 26-BOR-2075
26-BOR-2076**

**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 1, 2026.

The matter before the Hearing Officer arises from the May 7, 2026 decision by the Respondent to apply a West Virginia Works (WVW) second level sanction. (Although the hearing request included an appeal of Supplemental Nutrition Assistance Program (SNAP) benefits, the Appellant indicated that she did not have an issue with her SNAP benefits and did not want to pursue the SNAP appeal at the hearing.)

At the hearing, the Respondent appeared by Keah Williams, Family Support Specialist. The Appellant was present and was represented by her mother, [REDACTED]. 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) On March 30, 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 WVV cash assistance application.
- 2) Under the PRC and Referral for Training, the Appellant agreed to attend Test of Adult Basic Education (TABE) testing on May 5, 2026 and attend orientation for Skills and Professional Opportunities for Knowledge and Employment Success (SPOKES) on May 4, 2026.
- 3) On April 24, 2026, a home visit was completed with the Appellant and a final PRC/SSP, which included the May 5, 2026 TABE testing, was signed.
- 4) On May 5, 2026, the Respondent's representative received notification from the TABE instructor that the Appellant failed to attend the TABE testing.
- 5) On May 7, 2026, a second level sanction was placed on the Appellant for failing to complete an assignment and a notice of WV WORKS/WVEAP closure was sent to the Appellant with an office interview appointment scheduled for May 22, 2026, at 1:15 p.m.
- 6) As the Appellant does not dispute her SNAP benefits, she does not wish to pursue an appeal on that issue.

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. [Emphasis added]

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 May 7, 2026, the Respondent imposed a second level sanction against the Appellant, resulting in program ineligibility for a period of six months 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 a TABE testing appointment on May 5, 2026. Notification of the imposition of the second level sanction against the Appellant for her WVW cash assistance benefits along with a scheduled Office Interview Appointment on May 22, 2026, at 1:15 pm, was issued on May 7, 2026. 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 the Respondent correctly followed the policy in applying the sanction.

The Appellant is a recipient of WVV benefits. As a condition of her WVV eligibility, she entered into an SSP/PRC on March 30, 2026, agreeing to take the TABE test on May 5, 2026. Additionally, the Appellant agreed to attend a SPOKES orientation on May 4, 2026. On May 5, 2026, the TABE instructor notified the Appellant's worker, Keah Williams, that the Appellant failed to attend the scheduled TABE testing. Accordingly, on May 7, 2026, Ms. Williams applied a second level sanction to the Appellant.

The Appellant's representative, [REDACTED] testified that she and her boyfriend drove the Appellant to the SPOKES office and dropped her off for "an appointment", but was uncertain of the type of appointment. [REDACTED] stated that they had to return for the Appellant because the SPOKES people "had no clue" who the Appellant was. [REDACTED] testified that the Appellant had a SPOKES orientation (which is only performed on Mondays) scheduled for May 4, 2026, and that evidently she went to the SPOKES office on May 6, 2026, which is a day there was a substitute teacher who was unaware of the Appellant's previous scheduled appointments. There was no dispute as to the Appellant's missing her May 5, 2026 appointment for TABE testing. The Appellant admitted that she "made a mistake" and missed the exam, but she should be given another chance. It was explained to the Appellant that a sanction does not preclude an individual from reapplying for benefits once a sanction is served.

Policy requires that a Notice of Pending Reduction of Benefits and a Notice of Pending Closure of Benefits be issued along with an appointment for a case staffing meeting to be conducted when a sanction is imposed and prior to the start of the sanction. There was no evidence or testimony presented to show that this was done. Thus, although the Appellant failed to comply with the terms of her PRC/SSP by missing the TABE testing, the Respondent failed to show by a preponderance of evidence that it followed the policy when imposing the second level sanction. Therefore, the Respondent's May 7, 2026 decision must be reversed and the case remanded for proper issuance of the required notifications and case staffing.

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 May 5, 2026, as noted on her SSP/PRC.
- 3) The Appellant failed to attend the May 5, 2026 TABE testing which violated the term of her SSP/PRC.

- 4) Policy requires that a Notice of Pending Reduction of Benefits and a Notice of Pending Closure of Benefits be issued along with an appointment for a case staffing meeting to be conducted when a sanction is imposed but prior to the start of the sanction.
- 5) The Respondent failed to show by a preponderance of evidence that it correctly issued the required notices and conducted a case staffing prior to the start of the sanction.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's decision to apply a second level sanction beginning June 1, 2026, against the Appellant and **REMAND** the case for issuance of a Notice of Pending Reduction of Benefits and a Notice of Pending Closure of Benefits along with an appointment for a case staffing meeting prior to the imposition of the sanction.

As there is no dispute regarding the Appellant's SNAP benefits and the Appellant did not wish to pursue the SNAP issue, her June 4, 2026 hearing request is **DISMISSED**.

ENTERED this 2nd day of July 2026.

Lori Woodward, Certified State Hearing Officer