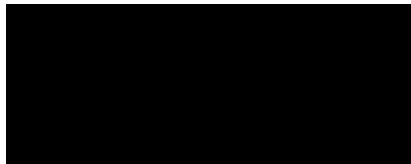




Ann Urling
Inspector General

August 12, 2026



RE: [REDACTED] v. WV DoHS/BFA
ACTION NO.: 26-BOR-2265

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 (DoHS). 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,

Tara B. Thompson, MLS
Certified State Hearing Officer
Member, State Board of Review

Encl: Recourse to Hearing Decision
Form IG-BR-29

cc: Tracy Gosbin, DoHS

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

[REDACTED]

Appellant,

v.

Action Number: 26-BOR-2265

**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]
[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 August 5, 2026.

The matter before the Hearing Officer arises from the Respondent's July 2, 2026 decision to deny the Appellant's eligibility for WV WORKS support service payment for vehicle assistance.

At the hearing, the Respondent appeared by Tracy Gosbin, DoHS. Appearing as a witness for the Respondent was Betty Hartline, DoHS Supervisor. The Appellant appeared and was self-represented. All witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

D-1 DoHS Notice, dated May 22, 2026
D-2 DoHS Email Correspondence

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 May 7, 2026, the Appellant applied for Temporary Assistance for Needy Families (TANF) benefits after obtaining custody of her five juvenile grandchildren.
- 2) Beginning on June 1, 2026, the Appellant received \$512 monthly WV WORKS/WVEAP benefits on behalf of her five juvenile grandchildren (Exhibit D-1).
- 3) The Appellant requested assistance to obtain a larger vehicle to aid in the care of her juvenile grandchildren. The basis for the Appellant's request was because the size of required car seats and quantity of passengers prevent her five grandchildren from being able to travel in the vehicle simultaneously.
- 4) On July 2, 2026, the Respondent denied the Appellant's eligibility for WV WORKS support service payment because the Appellant owned a road worthy vehicle. A handwritten note on the denial notice stated that the Appellant's request was denied because, "Client must not have a road-worthy vehicle, or be a two-parent household when another vehicle is necessary. You would need to obtain an estimate for repairs for current vehicle."
- 5) Repairs to the Appellant's vehicle would not resolve her need for a larger vehicle to aid in the care of her juvenile grandchildren.
- 6) Because the Appellant was found ineligible for support service payment, the Respondent did not refer the Appellant to [REDACTED] Garage, a non-profit organization which receives funding from the Respondent to provide vehicles to families who need transportation to get to work and job training.
- 7) According to the denial notice, to be eligible for a support service payment under Section 18.19.1 of the WV DoHS Income Maintenance Manual, the Appellant must meet all of the following requirements:
 1. You must receive a WV WORKS check in the month the payment is for; and
 2. You must be working ...
 3. You must prove or show that you are not able to meet the requirements of your PRC unless you receive this support service; and
 4. You must not have received the maximum amount available to you for this service; and
 5. You must not owe the Department for repayment of the previous support service that you should not have received.
- 8) The Appellant was receiving WV WORKS caretaker benefits at the time of denial.
- 9) The Appellant was employed at the time of application, time of denial, and during the hearing.
- 10) The Appellant has access to a work vehicle during her work hours and is able to meet the requirements of the PRC absent satisfaction of the requested support service.

- 11) The Appellant has not received the maximum amount support service payment available.
- 12) The Appellant does not owe the Department for repayment of support service payments previously received.
- 13) On July 15, 2026, the Respondent's Worker advised the Respondent's policy unit that the client's issue was not related to car repair. The Respondent's Worker requested clarification regarding whether the client would be able to trade her vehicle for a larger vehicle to accommodate her five grandchildren (Exhibit D-2).
- 14) The Respondent's policy unit did not respond to the Respondent Worker's request for clarification (Exhibit D-2).
- 15) The Appellant's extenuating circumstances were not evaluated.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) § 18.19 *Payment for Support Services* are authorized to assist WV WORKS participants in securing or maintaining employment or participating in other activities. The type and amount of any payment must be based on need, i.e., without receiving the payment in that amount, the participant is not able to participate in an activity.

WVIMM § 18.19.5.E *Allowable Support Service Payments for Caretakers – Vehicle Repair* provides that vehicle repair funds are intended for repairs to make a vehicle roadworthy and must not be used to purchase a vehicle. The lifetime limit for vehicle repair payments is \$2,000.

WVIMM § 18.7.4 *Other Work (OW) Activities* provides that as part of the Family Stability Well-being column of the West Virginia Bridge Model, the OW component is to be used to track time spent on tasks leading to self-sufficiency or family stability. Individuals placed in this component are considered in the federal participation rate calculation. The OW component will also document the extent in which individuals are involved in other work-related activities that do not count toward the federal participation rates but lead to their self-sufficiency or family stability. Allowable activities include:

- Appointments with local resources that may assist with overcoming challenges;
- Arranging for childcare;
- Arranging for housing;
- Arranging for transportation or working with Good News Mountaineer Garage;
- Child Support meetings or hearings;
- Development of the SSP;
- Emotional Health Inventory (EHI);
- Learning Needs Screening;
- Legal Aid appointments;
- Orientation;
- Referral process for post-secondary education prior to enrollment

- Self-Sufficiency Evaluations with Case Manager;
- Test of Adult Basic Education (TABE) testing;
- Time spent with Case Manager during home visit;
- Work Keys testing;
- Working with Child Protective Services (CPS) for multi-disciplinary treatment (MDT) meetings;
- Working with local agencies; or
- Any other family stability service needed to improve the family's circumstances.

Assignment of any of these activities must be recorded in the eligibility system comments and reviewed monthly ... The suggested amount of time a participant may be placed in the OW component is 60 days. For placement beyond 60 days, the Division of Family Assistance (DFA) may be contacted for additional case management guidance. Certain support payments will be allowable with this component.

WVIMM § 18.7.14 WV Works Vehicle Program provides that the purpose of the program is to assist in eliminating transportation as a barrier to participation by providing the participant with an opportunity to obtain and own a vehicle. The Case Manager initiates the process by referring appropriate participants to the WV WORKS Vehicle Program. Supervisor approval is required

WVIMM § 18.7.14. A Appropriate Referrals provides that WV WORKS Work-Eligible Individuals and those eligible for continued support service payments may be referred. The following requirements must be met when determining an appropriate referral:

- Possession of a valid West Virginia's driver's license; and
- The unavailability of public transportation; this includes but is not limited to:
 - The public transportation schedule and proximity to the residence
 - Childcare
 - Work or educational activities; and
- No road-worthy vehicle, or two-parent household when another vehicle is necessary; and
- The need to meet a work activity or continued employment; and
- No criminal driving record ...
- Verification of proof of vehicle liability insurance; and
- An agreement to pay the vendor \$1 for the appropriate donated vehicle.

Participation in any WV WORKS Vehicle Program is limited to once per individual in a lifetime. Extenuating circumstances may be sent to the DFA Family Support Policy Unit for special consideration. If a household contains two parents and two vehicles are required, each may be referred to the program. Once the recipient receives the donated vehicle, it may not be exchanged for a different donated vehicle for any reason.

The participant must be a Work-Eligible Individual in an active WV WORKS case or eligible for transitional benefit option at the time of referral. When the referral for a donated vehicle is made near the end of a transitional benefit period, the receipt of the vehicle must still occur even if the participant's transitional benefit period has ended. Any referrals made should still receive a vehicle unless the participant has obtained a vehicle from another source, they are no longer a WV resident,

or have been sanctioned for a reason other than lack of transportation. The participant must not be penalized due to the response time of the vendor.

If the participant already has a vehicle(s) registered in his name, he must provide documentation that:

- The vehicle(s) is junked; or
- The cost of repairs exceeds the limit specified in Section 18.19; or
- The other parent needs the vehicle for employment or to participate in an activity

WVIMM § 18.7.14. *Appropriate Referrals for Caretakers* provides that the caretaker relative or child only case must meet all the requirements of the section above except for being a work-eligible individual. Caretakers are not required to be employed or attending any activity listed in IMM 18.9-18.18 in order to receive a referral for a donated vehicle. The vehicle must be needed to assist with the children in their care. All work-eligible individuals are considered for donated vehicle referrals first. Only when all work-eligible individuals have been considered and eligible individuals have been referred and there are vehicles remaining, then a caretaker relative may be referred for a donated vehicle. Caretaker involvement with Children and Adult Services is not required for a referral for a donated vehicle. The referral process and vendor responsibilities are the same as work-eligible individuals below.

DISCUSSION

The Respondent denied the Appellant's request for support service payment and referral for WV WORKS Vehicle Program eligibility. The Appellant appealed the Respondent's decision and argued that she should be considered for vehicle assistance eligibility because a larger vehicle is required to care for her five juvenile grandchildren. During the hearing, the Appellant testified that without a larger vehicle, she is unable to simultaneously transport all of her grandchildren to appointments and other family outings. She testified that it requires two people to transport all of the children and argued that she doesn't have any additional resources to help her transport.

Authority has not been granted to the Board of Review to pass judgement on the policy or grant eligibility exceptions beyond those stipulated in the policy. The Respondent had to prove by a preponderance of evidence that the Respondent correctly denied the Appellant's eligibility for support service payment and a referral for the WV WORKS Vehicle Program.

The policy states that support services, including transportation payments, may only be authorized to assist WV WORKS participants in securing or maintaining employment related activities. According to the policy, vehicle repair funds may not be used to purchase a vehicle. Pursuant to the denial notice, although the Appellant did not request vehicle repairs, it appears that the Appellant's request for support was only considered in relation to support service payments for vehicle repairs.

During the hearing, the Respondent's representative testified that WVIMM § 18.7.14.B was an applicable policy section to the Appellant's case. Under Other Work (OW) activities, working with Good News Mountaineer Garage is an allowable activity related to participant self-sufficiency or

family stability. During the hearing, the parties testified that the Appellant became a caretaker for her grandchildren through a Child Protective Services (CPS) action. Activities related to CPS are listed under OW activities as allowable activities related to participant self-sufficiency or family stability. No evidence was entered to establish whether any of these activities were assigned to the Appellant or whether eligibility for support payments under OW activities was assessed.

According to the WV WORKS Vehicle Program policy, referrals may be made when public transportation is unavailable to the household for child care, work activities, or educational activities, and the household does not possess a road-worthy vehicle, or when the two-parent household requires another vehicle to meet a work activity or continued employment. During the hearing, testimony from the parties established that the Appellant did not require the assistance provided by the Vehicle Program to attend a work activity. The Appellant testified that she owned a road-worthy vehicle that did not require repairs and had access to a work vehicle to transport her to and from work. As the referral policy for caretakers stipulates that caretakers are not required to be employed or participating in an activity to receive a referral for a donated vehicle, the Appellant's ability to transport herself to and from work is irrelevant.

No evidence was provided regarding the household's public transportation availability for childcare and educational activities. According to the policy, for a caretaker referral to be made, the vehicle must be needed to assist with the children in their care. According to the evidence, the basis for the Appellant's assistance request was solely to facilitate her ability to transport the children simultaneously to appointments and other activities. The submitted information did not verify that the Appellant's public transportation availability for appointment transportation, child care, or educational activities was assessed.

Pursuant to the policy, if the participant already has a vehicle registered in her name, documentation must be provided to verify that the vehicle is junked, requires repairs that exceed the limit established in Section 18.19, or that the vehicle is required by the other parent. According to the Vehicle Program policy, extenuating circumstances may be sent to the DFA Family Support Policy Unit for consideration. The evidence revealed that the Respondent's worker attempted to reach the Policy Unit for advice regarding the Appellant's extenuating circumstances but did not receive a reply. As the presented evidence failed to prove that the Respondent correctly considered the Appellant's request with consideration of all of the applicable Vehicle Program policy criteria and the caretaker exceptions clause, the matter must be remanded for a new eligibility consideration.

CONCLUSIONS OF LAW

- 1) According to the WV WORKS Vehicle Program policy, referrals may be made when public transportation is unavailable to the household for childcare, work activities, or educational activities and the household does not possess a road-worthy vehicle, or the two-parent household requires another vehicle to meet a work activity or continued employment.

- 2) As the referral policy for caretakers stipulates that caretakers are not required to be employed or participating in an activity to receive a referral for a donated vehicle, the Appellant's ability to transport herself to and from work is irrelevant.
- 3) No evidence was submitted to verify that the Appellant's public transportation availability for appointments, childcare, or educational activities was assessed.
- 4) Referrals for the WV WORKS Vehicle Program may be made when a vehicle is needed to assist the caretaker with the children in their care.
- 5) Extenuating circumstances may be sent to the DFA Family Support Policy Unit for special consideration.
- 6) The evidence revealed that the Respondent did not evaluate the Appellant's extenuating circumstances.
- 7) As the presented evidence failed to prove that the Respondent correctly considered the Appellant's request with consideration of all the applicable Vehicle Program policy criteria and the caretaker exceptions clause, the matter must be remanded for a new eligibility consideration.

DECISION

The Respondent's decision to deny the Appellant a WV WORKS Vehicle Program referral is **REVERSED** and **REMANDED** for a new eligibility decision with consideration of all the applicable Vehicle Program policy criteria and the caretaker exceptions clause.

ENTERED this 12th day of August 2026.

Tara B. Thompson, MLS
Certified State Hearing Officer