



Ann Urling
Inspector General

August 18, 2026

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA
ACTION NOS.: 26-BOR-2335

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: Brian Collett, WV DoHS/BFA

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

[REDACTED]

Appellant,

v.

ACTION NO.: 26-BOR-2335

**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 11, 2026.

The matter before the Hearing Officer arises from the June 15, 2026 decision by the Respondent to reduce WV WORKS/WVEAP benefits.

At the hearing, the Respondent appeared by Brian Collett, Family Support Specialist. The Appellant was self-represented. The witnesses were placed under oath and the following documents were admitted into evidence:

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Department of Human Services State of West Virginia Combined Application and Review Form for Financial, Medical, and Supplemental Nutrition Assistance Program, signed and dated June 4, 2026
- D-3 West Virginia Department of Human Services Rights and Responsibilities, signed and dated June 4, 2026
- D-4 *
- D-5 Notice of decrease in benefits, dated June 15, 2026
- D-6 West Virginia Income Maintenance Manual (IMM), Chapter 4, §4.5.4.K
- D-7 IMM, Chapter 4, Appendix A

*Note: Exhibit D-4 was not allowed into the record as it was information from another case

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 is a recipient of WV WORKS benefits who underwent a review on June 4, 2026. (Exhibit D-2)
- 2) Because the Respondent's worker discovered that the Appellant was receiving money from other people on a consistent monthly basis in the amount of \$134, it was added as unstated income to her WV WORKS benefit calculations.
- 3) On June 15, 2026, notification was issued to the Appellant that her WV WORKS benefits would be reduced effective July 1, 2026. (Exhibit D-5)

APPLICABLE POLICY

WV IMM, Chapter 4, §4.5.4.K, Unstated Income:

Unstated income is income that has not been reported by the household, and is not otherwise known to the agency, but is determined to exist because the client's paid living expenses exceed income from known sources. The amount of unstated income is the difference between the known monthly income and the monthly paid living expenses. When the information in the client's record, including statements of the client or third parties, indicates that paid expenses exceed the stated income, the existence of unstated income must be explored. If insufficient or conflicting evidence exists, the Worker must question the client about the possibility of unstated income and allow him the opportunity to explain how his expenses are met. This may include but is not limited to a family member, a friend or other agencies helping with the client's past, current and ongoing living expenses. Use the best source of verification available. If the client provides a satisfactory explanation, the Worker records the explanation. If the client's explanation of how the expenses are met is inadequate, the Worker makes a recording of the explanation and then determines the amount of unstated income to count.

To determine the amount of unstated income to count, the Worker compares the usual amount of monthly living expenses with the client's reported income. The difference is unstated income and is counted as unearned income. Under no circumstances should an application not be taken or denied based on verification of unstated income as client attestation can be accepted. A recording of the conversation must be documented in case comments.

WV IMM, Chapter 4, §4.5.3.C, Child Support Pass-Through:

A child support payment of up to \$100 for families with one child or \$200 for families with more than one child of child support collected on behalf of a family receiving WV WORKS will be passed through to the family. This payment is referred to as the child support pass-through. Pass-through payment amounts will depend on the amount of child support collected by the BCSE but must not exceed the \$100 or \$200 limits. This payment will not be issued until the month following the month that the BCSE retains the child support collected. This is a monthly payment as long as the child support is collected. The child for whom the support was paid must be a WV WORKS client for the collection month to receive the pass-through payment. The pass-through is excluded as unearned income for WV WORKS, DCA, and Employment Assistance Program (EAP). This payment is in addition to the CSI and will be issued in conjunction with the CSI.

WV IMM, Chapter 10, §10.4, SNAP: Case maintenance and corrective procedures specific to the Supplemental Nutrition Assistance Program (SNAP) are outlined in this section.

DISCUSSION

On June 4, 2026, the Appellant underwent a WV WORKS benefits review. After reviewing the Appellant's Chime and Cash App accounts for the months of March, April, and May 2026, the Respondent's worker determined that the Appellant had recurring unstated income in the amount of \$134 each month. On June 15, 2026, the Respondent issued notice to the Appellant that her WV WORKS benefit amount would be reduced effective July 1, 2026. The Appellant appeals the Respondent's decision.

The Respondent must prove by a preponderance of evidence that it correctly attributed the \$134 as unstated income.

The Appellant contended that the amounts shown in her Chime and Cash App accounts should be considered as irregular income and that should have been excluded. IMM §10.4 was cited by the Appellant as the basis for her contention. However, IMM §10.4 discusses policy for case maintenance of Supplemental Nutrition Assistance Program (SNAP) and does not apply to issues related to the WV WORKS program. Although IMM §10.5 discusses WV WORKS case maintenance, there is no discussion regarding irregular income.

The Appellant also contended that the money shown in the Chime and Cash App accounts should be considered as a "pass-through" because each deposit was to cover a necessity. A "pass-through" is a specific benefit program relating to child support collection from the Bureau of Child Support Enforcement (BCSE). The Appellant's testimony describing the deposit amounts as being a "pass-through" were not those that related to a child support collection from BCSE.

Policy for WV WORKS directs that to determine the amount of unstated income to count, the worker must compare the usual amount of monthly living expenses with the client's reported income. The amount of unstated income is the difference between the known monthly income and the monthly paid living expenses. If insufficient or conflicting evidence exists, the worker must

question the client about the possibility of unstated income and allow the client the opportunity to explain how expenses are met. Policy further instructs that if the client provides a satisfactory explanation, the worker records the explanation. However, if the client's explanation of how the expenses are met is inadequate, the worker must then make a recording of the explanation and then determine the amount of unstated income to count as unearned income.

During the hearing, the Respondent's representative was unable to show how he determined the unstated income amount of \$134. Although there were copies of Cash App statements included in the exhibit packet for this hearing, they were not the Appellant's. This exhibit was excluded from the record. There was no testimony or evidence to show what explanations the Appellant presented to the worker regarding the unstated income or whether it was recorded in her case file.

Because the Respondent failed to show by a preponderance of evidence that there was unstated income in the Appellant's case, the decision to reduce her WV WORKS benefits cannot be affirmed.

CONCLUSIONS OF LAW

- 1) WV WORKS policy requires that when a client is unable to satisfactorily explain how expenses are met in relation to the known income, it is considered to be unstated income and must be counted as unearned income. If the client's explanation of how the expenses are met is inadequate, the worker must then make a recording of the explanation and then determine the amount of unstated income to count as unearned income.
- 2) The Respondent's representative failed to show what income was considered in concluding there was unstated income or that the Appellant's explanations were recorded in her case file.
- 3) The Respondent failed to show by a preponderance of evidence that it correctly determined there was unstated income in the Appellant's WV WORKS benefit case.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's decision to determine that the Appellant had unstated income.

ENTERED this 18th day of August 2026.

Lori Woodward, Certified State Hearing Officer