WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Number: 26-BOR-2600**

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 September 30, 2026, on an appeal filed with the Board of Review on August 27, 2026.

The matter before the Hearing Officer arises from the August 18, 2026 decision by the Respondent to expunge West Virginia School Clothing Allowance assistance benefits.

At the hearing, the Respondent appeared by Trevor Wayne, Economic Service Worker. Appearing as a witness for the Respondent was Lillian Queen, Family Support Supervisor. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

D-1 335 day Notice of Expungement dated July 21, 2026
D-2 Letter of Expungement dated August 18, 2026
D-3 Letter of Expungement dated August 6, 2025
D-4 Case Comments

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 has two school-aged foster children in her care.

2) On July 24, 2024, the Appellant was approved for $400.00 in West Virginia School Clothing Allowance (SCA) benefits. (Exhibit D-4)

3) On August 14, 2025, the Appellant was approved for $400.00 in West Virginia School Clothing Allowance benefits. (Exhibit D-4)

4) The Appellant's mailing address is [redacted].

5) On August 6, 2025, the Respondent mailed a notice to the Appellant indicating that all WV WORKS benefits from her Electronic Benefit Transfer (EBT) account that have not been utilized for 365 days were removed. (Exhibit D-3)

6) On July 21, 2026, the Respondent mailed notice the Appellant indicating that WV WORKS benefits have not been utilized on her EBT account for 335 days and all benefits not utilized from 365 days of last use would be removed. (Exhibit D-1)

7) On August 18, 2026, the Respondent mailed notice to the Appellant indicating that all WV WORKS benefits from her EBT account that have not been utilized for 365 days were removed. (Exhibit D-2)

8) All notices were mailed to the Appellant's address of [redacted]

9) Approximately, $400.00 in SCA benefits were expunged from the Appellant's EBT card in August 2026.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 10.3.3 documents:

> "Benefit" refers to the procedural process of depositing any Supplemental Nutrition Assistance Program (SNAP) or cash benefits into an EBT cardholder's account.
>
> "Expungement" is the removal of benefits from an EBT account

The “aging process” is based on a first-in, first-out basis, oldest to newest, which means that each grant month deposit has a separate aging cycle.

The issuance date will be the parameter that determines the aging of a benefit month.

> Once a benefit month account has reached 122 days after issuance for Summer EBT, 274 days after issuance for SNAP and 365 days from the date of last use for WV WORKS, the benefit is expunged.
>
> The Worker must check the EBT account and card status when speaking with a client regarding the receipt and/or access to both SNAP and cash benefits. Although an account has an expungement, there may be remaining benefit month amounts in the account.
>
> Expungement occurs based upon the date of issuance and the time a monthly benefit was issued to the household. Once benefits have been expunged, the benefit aging and benefit expungement process will continue for remaining benefit months on an account based on the date(s) the remaining months were issued. Immediate expungement will for SNAP occur when it has been determined all members of the Assistant Group are deceased and the worker has obtained independent verification of the death(s).

West Virginia Income Maintenance Manual Chapter 10.3.3.B documents:

> An alert will be sent to the worker and a notice to the WV WORKS AG advising they have not used benefits from the account for 335 days. The notice advises if the client does not take action within 13 days and a claim is present, the remaining amount from the benefit will be applied to the claim. An alert will be sent to IFM. This will give them an opportunity to act on an open claim for the case.

West Virginia Income Maintenance Manual Chapter 10.3.3.D

> An alert will be sent to the worker and a notice will be sent to the client advising the WV WORKS benefits have been expunged and are no longer available. The notice will also advise they may have other benefit months remaining. The clients are also encouraged to use all monthly cash benefits within 365 days of last use.
>
> On a daily basis, for every account identified in the control file, all benefits associated with that account are reviewed individually. Individual benefits that have been available for 365 days from the date of last use are expunged.

DISCUSSION

On August 18, 2026, the Respondent expunged approximately $400.00 in West Virginia School Clothing Allowance (SCA) benefits from the Appellant's EBT card after the benefits had not been utilized for 365 days. The Appellant appeals the expungement of benefits citing that she never received an EBT card to utilize the benefits in question. The Respondent must prove by a preponderance of the evidence that it correctly expunged unused WV SCA benefits.

The Appellant was approved for a subsidized legal guardianship of two school-aged children. In July 2024, the Appellant applied for and was approved WV SCA in the amount of $400.00. The Appellant reapplied for WV SCA benefits in July 2025 and was approved for an additional amount of $400.00. The Appellant failed to utilize all approved WV SCA benefits. In August 2025, the Respondent expunged the approved July 2024 WV SCA benefits. In July 2026, the Respondent issued notice to the Appellant informing her that WV SCA benefits had not been utilized in 335 and that the benefits would be expunged after 365 days from the date of issuance if not utilized. On August 18, 2026, the Respondent expunged the July 2025 WV SCA benefits after the Appellant failed to utilize them during the 365-day period.

The Appellant argues that she never received an EBT card to utilize the benefits. The Appellant contends that after she received the July 21, 2026 notice informing her of the potential expungement, she phoned the Respondent's Customer Service Center to order a new EBT card on July 22, 2026. On August 19, 2026, the Appellant inquired about the new EBT card request but was informed that the WV SCA benefits had been expunged. The Respondent indicated that there was no information in their system to determine whether the Appellant requested the new card with the Change Center. The Appellant averred that she did not apply for WV SCA benefits in August 2026, because she believed the children were not previously approved for the benefit.

Policy requires that notice is issued to an assistance group after 335 days from the date of issuance of a WV WORKS benefit to advise that benefits would be expunged after 365 days of non-use. Additionally, benefits are expunged from an EBT card after 365 from the date of issuance.

West Virginia Common Chapters 710.16 governs that the time limit for requesting a hearing shall be 90 days from the effective date of action. Therefore, the Appellant's appeal of the August 2025 expungement has expired and is moot. While the Appellant contends that she never received an EBT card to utilize the August 2025 benefits and she ordered a new card in July 2026, she failed to provide any evidence to support this claim. Because the Appellant failed to utilize the approved WV SCA benefits from August 2025 within 365 days from the date of issuance, the Respondent was correct in its decision to expunge the under-utilized benefit.

CONCLUSIONS OF LAW

1) Policy requires that notice is issued to a WV WORKS assistance group to advise that benefits have not been utilized from an EBT account for 335 days.

2) Policy requires that all WV WORK benefits are expunged from 365 days of issuance after non-use.

3) The Appellant was approved for WV SCA in August 2025 and failed to access the funds.

4) In July 2026, the Respondent issued notice to the Appellant after 335 days of non-use of the approved August 2025 funds.

5) The Respondent expunged the August 2025 WV SCA benefits after 365 days of non-use.

6) The Respondent was correct in its decision to expunge unused WV SCA benefits.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to expunge unused WV SCA benefits.

ENTERED this _____ day of October 2026.

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Eric L. Phillips
State Hearing Officer