WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted],

Appellant,

v. **ACTION NO.: 26-BOR-2612**

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 29, 2026.

The matter before the Hearing Officer arises from the August 27, 2026 decision by the Respondent to deny WV WORKS/WEAP Support Services payment.

At the hearing, the Respondent appeared by Brian Collett, Family Support Specialist. The Appellant 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 Viriginia Combined Application and Review Form for Financial, Medical, and Supplemental Nutrition Assistance Program, application date June 25, 2026, signed and dated July 24, 2026
- D-3 July [redacted] Checking Account statement
- D-4 Written statement dated August 11, 2026, signed by [redacted] Screenshots from [redacted] Support
- D-5 Written statement dated August 11, 2026, signed by [redacted]
- D-6 Notice of denial of WV WORKS dated August 18, 2026
- D-7 Notice of denial of WV WORKS Support Services payment dated August 27, 2026
- D-8 WV Income Maintenance Manual (WV IMM), Chapter 18, §18.19

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 applied for benefits on June 25, 2026, including the WV WORKS program. (Exhibit D-2)

2) On July 17, 2026, the Respondent's worker completed a screening for the WV WORKS program and attended the WV WORKS orientation on July 20, 2026, and on July 24, 2026, the WV WORKS interview was completed with the Respondent's worker. (Exhibit D-1)

3) On August 1, 2026, a request for verification of assets was issued with a due date of August 11, 2026. (Exhibit D-1)

4) The Appellant timely submitted bank account statements which prompted the Respondent's worker to issue another request for verification on August 6, 2026, with a due date of August 16, 2026, requesting verification of money from outside of the household. (Exhibits D-1 and D-3)

5) The Appellant's spouse returned written statements on August 11, 2026, indicating that they received $150, $500, and $300 from individuals outside of the household. (Exhibits D-4 and D-5)

6) The Respondent's worker determined that the Appellant was over the income limit for WV WORKS benefits for the month of July.

7) On August 18, 2026, the Respondent issued a notification of denial for WV WORKS benefits for the month of July 2026. (Exhibit D-6)

8) The Appellant was approved for WV WORKS beginning August 1, 2026.

9) On August 19, 2026, the Appellant submitted a vehicle repair estimate dated July 28, 2026 for repairs already performed on his vehicle. (Exhibit D-1)

10) On August 27, 2026, the Respondent issued a denial notice for the requested support services payment for the vehicle repair based on the Appellant's WV WORKS ineligibility in July 2026. (Exhibit D-7)

APPLICABLE POLICY

WV IMM, Chapter 18, §18.19 Payment for Support Services:

Payment for support services is authorized to assist WV WORKS participants in securing or maintaining employment or participating in other activities.

The type and amount of any payment made must be based on need, i.e., without receiving the payment in that amount the participant is not able to participate in an activity. The Case Manager and the participant must discuss available services and assess needs during the interview and assessment process, and at reviews. The participant may also request services as needs arise. Disposition to approve or deny the application for supportive services must be made within 10 working days of receipt of the signed time sheet or request.

Support services may be issued during any month for which a WV WORKS payment is made. In addition, some former Work-Eligible Individuals in a previous WV WORKS case continue to be eligible for support service payments as long as the conditions in Section 18.22 are met. This Section contains information about support services available to active assistance group (AG) members and non-recipient Work-Eligible Individuals in the household. [Emphasis added]

WV IMM, Chapter 18, §18.19.1 Who is Eligible

Those who meet all of the following criteria are eligible for payment of support services:

- **Work-Eligible Individual in an active WV WORKS case for the month for which the support service payment is intended.** [Emphasis added]
- Non-recipient Work-Eligible Individuals who are not in the AG, as long as they meet all other eligibility requirements.
- A non-recipient parent, stepparent, or caretaker relative receiving Supplemental Security Income (SSI) who has chosen to volunteer to participate in a work activity.
- Participating, or preparing to participate, in a work activity listed in Sections 18.10 – 18.18.
- For individuals who are preparing to participate, certain support service payments may be made under Other Work Activities to remove challenges to participation.
- Has not received and is not expected to receive a Diversionary Cash Assistance (DCA) payment which covers the month for which the support service is requested.
- Did not receive WV WORKS fraudulently or is not subject to repayment for the total monthly allotment.

WV IMM, Chapter 4, §4.5.3.B Determining Countable Income and the Benefit Amount

Once the 100% of the SON test is met, the following steps are taken.

Step 1: Add together the countable gross earned income of the AG and/or any disqualified person(s).

Step 2: Subtract 40% of Step 1 (Earned Income Disregard).

Step 3: Subtract the allowable Dependent Care Deduction. This resulting amount is the Total Countable Earned Income.

Step 4: Total all child support received by the AG and/or disqualified person(s).

Step 5: Subtract the child support pass-through amount of up to $100 or $200 for children eligible for TANF. See below for determining the child support passthrough amount.
Step 6: Add all other countable unearned income of the AG and/or any disqualified person(s). The resulting amount is the countable unearned income.
Step 7: Add together the total countable earned and unearned income. The resulting amount is the total monthly countable income.
Step 8: Determine the maximum WV WORKS benefit amount for the AG size, using Appendix A.
Step 9: If the total countable income exceeds the maximum WV WORKS benefit amount, the AG is ineligible. If the total countable income is less than the maximum WV WORKS benefit amount, the AG is income eligible.
Step 10: Subtract the total countable income from the maximum WV WORKS benefit amount.
The resulting amount is the WV WORKS benefit amount.

Maximum WV WORKS payment for an AG of 5 is $670 **(WV IMM, Chapter 4, Appendix A)**

DISCUSSION

The Appellant and his wife applied for WV WORKS benefits in June 2026. They underwent the process of an interview, orientation, and had to verify their income among other requirements to be able to determine their eligibility for the program. After receiving the documents needed for verification, the Respondent determined that the Appellant was ineligible for WV WORKS for the month of July 2026, due to being over income. Notification of the Respondent's determination was issued August 18, 2026. Prior to the final determination of WV WORKS eligibility, the Appellant's vehicle underwent repairs. On August 19, 2026, the Appellant's submitted a vehicle repair estimate dated July 28, 2026, stating that the repairs were already completed. Because the Appellant's were not eligible for the month of July 2026 for WV WORKS, the Respondent denied the Appellant's request for WV WORKS support service payment for the vehicle repair. The Appellant appeals the Respondent's denial of the support service payment for vehicle repairs.

Policy allows for the payment of support services to assist WV WORKS participants in securing or maintaining employment or participating in other activities to maintain WV WORKS eligibility. Support services may be issued during any month for which a WV WORKS payment is made. In the Appellant's case, they were not considered participants in WV WORKS and did not receive a WV WORKS benefit payment in the month of July 2026. The Appellant was considered ineligible for WV WORKS due to being over the income limit.

Although neither the Appellant nor his wife were working, it was determined that they received money from other people in the month of July totaling $800. The Appellant confirmed they received this money in July because they were in dire need. Unfortunately, the money they received from other people is considered unearned income for eligibility determination purposes. Because this amount was over the WV WORKS payment allotment for an assistance group of 5, they did were not eligible for WV WORKS benefits the month of July 2026. However, it was noted they were eligible for the month of August.

The Appellant testified that the Respondent's representative, Brian Collett, "guaranteed" he would qualify for WV WORKS and that all he had to do was submit the repair estimate. Mr. Collett denied there were any guarantees or assurances made to the Appellant regarding eligibility or support service payments. Mr. Collett testified he attempted, along with his supervisor, to get a an "exception" to policy for the support service payment but was ultimately denied by the Respondent's policy unit.

Because the Appellant was not eligible for WV WORKS benefits in the month of July 2026, the Respondent's decision to deny the support service payment for vehicle repairs completed in July 2026 is affirmed.

CONCLUSIONS OF LAW

1) Policy instructs that support services payments may be authorized for WV WORKS participants during any month for which WV WORKS payment is made.

2) The Appellant submitted an estimate for vehicle repairs completed in July 2026.

3) Because the Appellant was not eligible for WV WORKS benefits for the month of July 2026, he was ineligible for support service payment for the July vehicle repair.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to deny support service for the July vehicle repair.

ENTERED this 6th day of October 2026.

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Lori Woodward, Certified State Hearing Officer