WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Co-Appellants,

v. **Action Number: 26-BOR-2646**

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 17, 2026, on an appeal filed with the Board of Review on August 28, 2026.

The matter before the Hearing Officer arises from the July 31, 2026 decision by the Respondent to terminate West Virginia WORKS (WVW) cash assistance benefits.

At the hearing, the Respondent appeared by Dakota Lee, Family Support Specialist. The Appellants were self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Fair Hearing Request
D-2 Notice of Decision dated July 31, 2026
D-3 Notice of Decision dated August 18, 2026
D-4 Personal Responsibility Contract/Self-Sufficiency Plan dated December 23, 2023
D-5 Self-Sufficiency Plan for [redacted] dated July 20, 2026
D-6 Self-Sufficiency Plan for [redacted] dated July 1, 2026
D-7 Site Supervisor Notes
D-8 Participant Time Sheets June 2026-August 2026
D-9 Volunteer Description for [redacted] dated July 27, 2026
D-10 Volunteer Description for [redacted] dated August 7, 2026
D-11 Printout of Case Comments

D-12 PIN Comments for [redacted]
D-13 PIN Comments for [redacted]
D-14 Sanction Procedure Checklist dated August 27, 2026
D-15 Case Staffing dated August 28, 2026
D-16 FLSA Calculation Sheets
D-17 West Virginia Income Maintenance Manual Chapter 18.4.2.A
D-18 West Virginia Income Maintenance Manual Chapter 18.15

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 Co-Appellants are recipients of WVW cash assistance benefits.

2) The household consists of the Co-Appellants and their two children.

3) On December 23, 2023, the Co-Appellants completed and signed a Personal Responsibility Contract (PRC) and Self-Sufficiency Plans (SSP) (Exhibit D-4) indicating their agreement to participate in a work activity in order to receive WVW cash assistance benefits.

4) The Respondent defines the Co-Appellant's household as a two-parent household requiring a minimum monthly work participation of 150 hours. (Exhibit D-17)

5) Co-Appellant [redacted] is considered disabled as determined by the Respondent's Medical Review Team (MRT).

6) Due to Co-Appellant [redacted] MRT certification he is only required to participate in a work activity for a monthly minimum of 20 hours.

7) The Respondent required the Co-Appellants to participate in 85 monthly core hours with a community service program.

8) The Respondent set forth a goal for the Co-Appellants to meet the 85 monthly core participation hours for July 2026 and August 2026.

9) The Respondent placed an initial sanction on the Co-Appellant's June 2026 WVW benefits for failing to provide May 2026 participation time sheets and missing in office appointments.

10) The Respondent lifted the initial June 2026 sanction.

11) The Respondent required both parents to meet the 85 monthly core participation hours due to one parent having a restriction to complying with participation hours.

12) On July 1, 2026, the Respondent completed a Self-Sufficiency Plan (SSP) with Co-Appellant [redacted] requiring her to complete 43 work participation hours a month at [redacted]. (Exhibit D-5)

13) On July 1, 2026, the Respondent completed a SSP with Co-Appellant [redacted] requiring him to initiate DUI classes with [redacted]. (Exhibit D-6)

14) Co-Appellant [redacted] failed to appear at her work participation activity at [redacted] (Exhibit D-7)

15) Co-Appellant [redacted] worked a total of two days at [redacted] (Exhibit D-7)

16) The Co-Appellants were terminated from the work participation at [redacted] (Exhibit D-7)

17) Co-Appellant [redacted] provided a time sheet documenting a total of six hours of participation with [redacted] for July 2026. (Exhibit D-8)

18) Co-Appellant [redacted] provided a time sheet documenting a total of 15.25 hours at the [redacted] Animal Shelter. (Exhibit D-8)

17) On July 27, 2026, the Respondent placed an additional sanction on the Co-Appellant's WVW due to a "lack of accountability to outlined items in the SSP, PRC, and their removal from a community service site."

18) The implemented sanction, effective September 2026, is the first toward the Co-Appellant's WVW benefits.

19) The Respondent determined that there was no good cause for the implemented sanction.

20) The Respondent required Co-Appellant [redacted] to complete an in-office visit on July 31, 2026.

21) Co-Appellant [redacted] failed to comply with the in-office appointment until August 6, 2026.

22) The Respondent set a good cause meeting to discuss the sanction with the Co-Appellants on August 7, 2026.

23) The Co-Appellants failed to attend the good cause meeting.

24) On August 28, 2026, the Respondent and Co-Appellants completed a WVW Staffing, but Co-Appellant [redacted] refused to sign the documentation. (Exhibit D-15)

25) On July 31, 2026, the Respondent issued a Notice of Decision (Exhibit D-2) informing the Co-Appellants that their WVW benefits would be terminated effective September 2026 for failing to adhere to the requirements of the PRC by failing to attend an assigned activity. Additionally, the notice indicates the good cause appointment scheduled for August 7, 2026 at 9:30 A.M.

26) Co-Appellant [redacted] has applied for and been denied Supplemental Security Income (SSI).)

27) The Co-Appellants meet core participation hours for August 2026 with the utilization of excused absences.

28) The couple have two autistic children in their care ages 17 and 7.

29) The Co-Appellants have received a total of 39 months of WVW benefits.

APPLICABLE POLICY

West Virginia Income Maintenance Manual 18.4.1 documents:

> Each adult and emancipated minor who receives WV WORKS benefits, and non-recipient WorkEligible Individual, counts toward the state's participation rate. These are known as "WorkEligible Individuals."
>
> A Work-Eligible individual is a parent, a caretaker included in the WV WORKS AG, or a minor child head-of-household receiving WV WORKS assistance unless the individual is:
>
> • A minor parent and not the head-of-household or spouse of the head-of-household; or
> • A noncitizen who is ineligible to receive assistance due to his or her immigration status; or
> • A recipient of Supplemental Security Income (SSI) benefits.
>
> …
>
> Each adult and emancipated minor who receives WV WORKS benefits and non-recipient WorkEligible Individual must meet a work requirement at a minimum rate of participation. The work requirement does not necessarily mean that the participant must be employed. Work, however, is the focus of WV WORKS. The activities that meet the work requirement are listed in Sections 18.10 – 18.18.

Work-Eligible Individuals are those whose participation in work activities contributes in determining if the family counts in the calculation of the state's work participation rate, except for the following:

• Work-Eligible Individuals providing care for a disabled family member living in the home. Medical documentation must be provided to substantiate the need for the Work-Eligible Individual to provide this care.

• Single parents with a child under the age of one year. This is an exemption for a maximum of 12 months in a lifetime. See Section 14.9.

West Virginia Income Maintenance Manual Chapter 18.4.2.A.1 Participation Requirement documents:

➢ Family Has Minimum Requirement of 128 Hours

A minimum of 85 hours of minimum participation hours must be attributable to one or more of the Core Work Activities.

Therefore, no more than 43 of the minimum participation hours may be attributable to one or more of the Non-Core Work Activities.

West Virginia Income Maintenance Manual Chapter 18.4.2,B documents:

In a two-parent family, for these purposes only, neither parent is incapacitated or disabled according to the Social Security Administration (SSA) definition, and the family meets one of the following criteria:

• There are two natural or adoptive parents, who are Work-Eligible Individuals, of the same minor child living in the home and included in the same WV WORKS payment.

• There are two parents with a common child living together and one or both is excluded from the WV WORKS payment unless the exclusion is due to one of the following reasons:
o Minor parent who is not the head-of-household;
o Ineligible noncitizen due to immigration status; or
o SSI recipient.

18.4.2.B.1 Participation Requirement
➢ Family Has Minimum Requirement of 150 Hours; Does Not Receive Federally Funded Child Care A minimum of 128 of the average minimum participation hours must be attributable to one or more of the Core Work Activities. Therefore, no more than 22 of the average minimum participation hours may be attributable to one or more of the Non-Core Work Activities.

West Virginia Income Maintenance Manual Chapter 18.4.7 documents:

> Disability and incapacity for a Work-Eligible Individual may be established with or without a physician's statement as described in the following sections.
>
> NOTE: A two-parent family with one parent disabled or incapacitated according to this section is still considered a two-parent family for minimum participation rate requirements. The family may be temporarily granted good cause for not meeting the minimum requirements. See Section 14.9. Meeting either definition does not automatically exempt the family or individual from the 60-month or 24-month time limits described in Sections 18.2 and 18.8.

West Virginia Income Maintenance Manual Chapter 18.7.6 documents:

> If the Case Manager and/or Supervisor is unable to make a determination as to the participant's ability to participate in work activities based on the medical documentation available, they must submit the case to the MRT. See Chapter 13.8.1. Any participant who has had good cause for not participating for more than six months, due to a doctor's statement, must be referred to the MRT.
>
> An MRT referral is made for adults not Medicaid eligible who's EHI indicates a referral is needed. The MRT referral must be made after the results of the EHI have been discussed with the participant. The MRT will confirm if a referral is needed. This is necessary in order to refer the participant to a mental health professional for a diagnosis.

West Virginia Income Maintenance Manual Chapter 14.8 documents:

> When a member of the assistance group (AG) or non-recipient Work-Eligible Individual 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. Information about development of the SSP is found in Chapter 18. Information about the PRC and SSP as an eligibility requirement is found in Section 1.5.
>
> 14.8.1 DEFINITION OF A SANCTION Sanctions are applied in the form of termination of WV WORKS benefits. The duration of the sanction period is determined 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.
> WV WORKS sanctions are applied to all Work-Eligible members of a WV WORKS case, not only to the member who causes the sanction.

Once the beginning of the sanction period has started, it cannot be stopped until the appropriate time has elapsed.

When two or more offenses, by the same or different participants, occur in the same month, it is treated as if only one offense has occurred. All offenses must be addressed in the client notification and only one sanction is imposed. If an additional offense, by the same or different participants, occurs in the same month after the Case Manager has mailed the notification of the preceding offense, an additional sanction may not be imposed.

The second and subsequent WV WORKS sanctions require supervisory approval. A Supervisor must confirm the sanction in the eligibility system. When a Supervisor is not available, a back-up Supervisor may confirm the sanction.

If good cause is granted for the first or second sanction the Supervisor must give approval for removing the sanction and must make comments in the eligibility system.

DISCUSSION

The Co-Appellants are recipients of WVW benefits and were required to engage in work participation activities for a total of 85 monthly hours. In July 2026, both of the Co-Appellants failed to meet the required monthly hours and missed appointments which resulted in an initial sanction being placed on their WVW benefits effective September 2026. This sanction results in a termination of WVW benefits for a one-month period. The Co-Appellants appeal this sanction and termination of benefits. The Respondent must prove by a preponderance of evidence that it correctly implemented the sanction and terminated WVW benefits.

The Co-Appellants have received a total of 39 out of 60 months of WVW benefits. The Co-Appellants are considered a two-parent household; however, Co-Appellant [redacted] has been certified by the Medical Review Team (MRT) with an incapacity which prevents his ability to meet required hours. Both Co-Appellants completed Self-Sufficiency Plans (SSP) in which they agreed to participate in a work activity to overcome challenges. Dakota Lee, Family Support Specialist, testified that the family was required to participate in a minimum of 85 core hours in order to meet participation requirements with the SSP. Mr. Lee indicated that due to Co-Appellant [redacted] certification with MRT he was required to work a minimum of 20 hours. Mr. Lee testified that the Co-Appellants have a long history of failure to meet participation requirements and accountability with the program. In June 2026, the Co-Appellants were initially sanctioned; however, the sanction was lifted. Both Co-Appellants were required to engage in a community service work activity with [redacted] in July 2026; however, Co-Appellant [redacted] completed a total of 6 hours of participation during a 2-day period and Co-Appellant [redacted] failed to attend the activity. Based on their failure to appear and participate, the Co-Appellants were terminated from the participation activity. Mr. Lee indicated that the Co-Appellants history of failing to participate and meet core participation hours, along with their failure to adhere to the SSP, failure to participate in the [redacted] work activity and their missed appointments

resulted in a sanction being placed on the WVW benefit, effective September 2026. A good-cause appointment was scheduled with the Co-Appellants on August 7, 2026, in which they failed to appear. The sanction resulted in a termination of their benefits, effective September 2026; however, the Co-Appellants requested their benefits remain open pending a decision from the State Hearing Officer. Mr. Lee indicated that the Co-Appellants demonstrated some improvement for August 2026, meeting participation hours for the month with the assistance of excused absence hours.

The Co-Appellants acknowledged a history with a failure to participate with the program. The Co-Appellants indicated that they have two autistic children in their care which they provide support. The Co-Appellants related some confusion based on the required amount of hours worked but indicated that Co-Appellant [redacted] has strived to complete additional hours to elevate the participation requirements on his wife. Co-Appellant [redacted] indicated that they have demonstrated some improvement toward meeting participation for August 2026.

Policy requires when an assistance group fails to adhere to the requirements of their Personal Responsibility Contract (PRC) or their SSP, a sanction is imposed unless the Case Manager determines that good cause exists. Sanctions are imposed in the form of a termination of WVW benefits. The sanction period for the first sanction in a termination of benefits for a period of one month. The Co-Appellants signed SSP in December 2023 in which they agreed to participate in a work activity or cooperate with overcoming challenges, upon the approval of cash assistance approval. The Co-Appellants updated these contracts in July 2026. Both parties agree there are many challenges and obstacles facing the household and there has been a long history of the Co-Appellants' failure to adhere to work participation requirements. By signing the SSP, the Co-Appellants agreed to participate in a work activity. In July 2026, the Co-Appellants' failure to appear with a site provider and meet the required monthly participation hours resulted in their termination from the activity. The Co-Appellants failed to appear for a scheduled good cause determination or provide good cause for their inability to participate with the activity prior to the imposition of the sanction. Because the Co-Appellants failed to adhere to the requirements of the SSP or provide good cause prior to the imposition of sanction, the Respondent was correct in its decision to impose an initial sanction.

CONCLUSIONS OF LAW

1) Policy requires that when a member of an assistance group fails to adhere to the requirements of the SSP or PRC a sanction must be imposed unless the Case Manager determines that good cause exists.

2) Policy requires that sanctions are imposed in the form of a termination of WVW benefits.

3) The sanction penalty for a first sanction is a termination of benefits for a one-month period.

4) The Co-Appellants signed SSP agreements in which they agreed to participate in a work activity or assist in overcoming challenges to their household.

5) The Co-Appellants failed to adhere to the requirements of the SSP by failing to complete a work activity and being terminated from the work activity placement.

6) The Co-Appellants failed to appear for a good cause meeting or provide good cause for their failure to complete the assigned activities prior to the imposition of sanction.

7) Because the Co-Appellants failed to adhere to the requirements of the SSP, the Respondent was correct in its decision to impose a first sanction and terminate WVW benefits for one month.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the action of the Respondent to impose a first sanction and terminate WVW benefit for one month.

ENTERED this _____ day of October 2026.

_____

Eric L. Phillips
Certified State Hearing Officer