



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

**Sherri A. Young, DO, MBA, FAAFP  
Cabinet Secretary**

**Ann Vincent-Urling  
Interim Inspector General**

March 15, 2024

[REDACTED]

RE: [REDACTED] v. WV DoHS  
ACTION NO.: 24-BOR-1199

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: Jessica Geris, WV DoHS, BFA

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

████████████████████,

**Appellant,**

v.

**ACTION NO.: 24-BOR-1199**

**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 ██████████. 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 March 13, 2024, on an appeal filed January 22, 2024.

The matter before the Hearing Officer arises from the Respondent's January 12, 2024 decision to apply a third-level sanction against the Appellant's WV WORKS/WVEAP benefits resulting in case closure and ineligibility for cash benefits for 12 months.

At the hearing, the Respondent appeared by Jessica Geris, Family Support Specialist. The Appellant appeared *pro se*. The witnesses were placed under oath and the following documents were admitted into evidence:

**Department's Exhibits:**

- D-1 Hearing Summary
- D-2 WV Works Personal Responsibility Contract (PRC), Self-Sufficiency Plan (Original) Part 2 of 2, signed and dated December 1, 2023
- D-3 WV Works 3<sup>rd</sup> and Subsequent Sanction Summary, signed and dated January 11, 2024
- D-4 WV Income Maintenance Manual, Chapter 14, §14.8.1

**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 was a recipient of WV WORKS/WVEAP benefits.
- 2) On December 1, 2023, the Appellant met with her worker, Jessica Geris, and entered into a Personal Responsibility Contract (PRC). (Exhibit D-2)
- 3) As part of the PRC, a Self-Sufficiency Plan (SSP) was developed wherein several goals were to be met within the month of December 2023, culminating with a meeting with Worker Geris to occur on January 2, 2024, to discuss the Appellant's progress. (Exhibit D-2)
- 4) The Appellant failed to show for the January 2, 2024 meeting with Worker Geris.
- 5) Worker Geris determined a sanction must be placed against the Appellant.
- 6) This is the Appellant's third sanction.
- 7) Policy requires that the Department of Family Assistance (DFA) Temporary Assistance for Needy Families (TANF) policy unit be contacted for approval of third and subsequent sanction placement. (Exhibit D-4)
- 8) With the approval of the DFA TANF policy unit, a third sanction was placed on the Appellant's WV WORKS/WVEAP benefits case resulting in case closure for a period of 12-months.
- 9) On January 12, 2024, the Respondent issued a Notice of closure which indicated that a third sanction was applied to the Appellant's WV WORKS/WVEAP benefits and would terminate effective February 1, 2024, in addition to notification that a good cause meeting was scheduled for January 22, 2024.
- 10) A good cause meeting was completed on January 22, 2024, with good cause not being granted for the Appellant's failure to comply with the SSP.
- 11) The Appellant does not contest the placement of the current sanction; however, she disagrees that sanctions are cumulative throughout the lifetime of benefit coverage.

## APPLICABLE POLICY

**WV IMM, Chapter 18, §18.1.1, PROGRAM BACKGROUND, in part:** The purpose of WV WORKS is to help economically dependent, at-risk families become self-supporting. It is a work-oriented, performance-based, time-limited program that emphasizes employment and personal responsibility. Intensive interaction between the participant and the Case Manager is necessary to establish and maintain the Personal Responsibility Contract (PRC) between the Department of Human Services (DOHS) and the WV WORKS participant. ... WV WORKS expects parents and other caretaker relatives to support their own dependent children and those in their care. Every parent and other caretaker who is included in a payment and any non-recipient Work-Eligible Individual in the household has a responsibility to participate in an activity to help prepare for, obtain and maintain gainful employment.

**WV IMM, Chapter 1, §1.5.21, Personal Responsibility Contract (PRC), in part:** The PRC, form DFA-PRC-1, is a contract between each of the adult or emancipated minor members of the WV WORKS AG, or non-recipient Work-Eligible Individual(s), and the Worker, as the representative of the DOH .... Failure, without good cause, to adhere to the responsibilities or any tasks listed on the PRC after signature, results in imposition of a sanction against the AG.

**WV IMM, Chapter 14, §14.8 WV Works Sanctions, in part:** 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.

**WV IMM, Chapter 14, §14.8.1, DEFINITION OF A SANCTION, in part:**

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.

...

The third and subsequent WV WORKS sanctions must be approved by the Division of Family Assistance (DFA) Temporary Assistance for Needy Families (TANF) Policy Unit. The Supervisor must send an email to TANF Policy Unit members and his Regional Program Manager once the prospective sanction is placed in the eligibility system with the date and time of the scheduled case staffing, along with a detailed summary on a DFA-WVW-75 outlining the reason for the sanction including:

- Case name, case number, PIN numbers;
- Current PRC;

- Number of referrals provided to the AG for help in removing barriers;
- Number of home/work site visits in the past 12 months. If a home visit has not been completed within 60 days of the third or subsequent sanction request, the Case Manager must schedule, attempt and document a home visit before sanction approval will be considered. A site visit must not be completed for this purpose;
- Any special or unusual circumstances in the family; and
- Worker, Supervisor and/or Community Services Manager (CSM) decision, including reason, about whether or not the family should be sanctioned.

This process is to ensure all challenges identified have been addressed.

**WV IMM, Chapter 14, §14.8.7, Determining The Number Of Sanctions And When The Ag Or Nonrecipient Work-Eligible Individual Separates, in part:** The following information is used to determine the number of sanctions when the sanctioned WV WORKS case separates into two or more cases, or when one or more household members leave the case.

- Each adult and emancipated minor included in the same WV WORKS AG, and each non-recipient Work-Eligible Individual, is assigned one sanction for each time the case is sanctioned. Sanctions are not assigned to children.
- ••••
- When an adult or emancipated minor leaves the home, he takes his assigned sanctions with him. Those adults and emancipated minors remaining in the home retain their assigned sanctions.
- ••••
- When a Work-Eligible adult or emancipated minor leaves the home of one WV WORKS case and joins another one, all members of the new AG and any non-recipient Work Eligible Individuals are assigned the same number of sanctions. This number is determined by assigning each adult/emancipated minor the highest number of sanctions assigned to any one of the adults/emancipated minors in the new AG or any nonrecipient Work-Eligible Individuals.

### **DISCUSSION**

Policy requires a sanction be imposed when a participant of WV WORKS fails to comply with the requirements of the Personal Responsibility Contract (PRC) or a Self-Sufficiency Plan (SSP), unless the case manager determines that good cause exists. Case managers are given considerable discretion in imposing a sanction or granting good cause. A case staffing or good cause meeting is required before a sanction can begin. Implemented sanctions result in the termination of WV WORKS cash assistance benefits. The penalty for third and subsequent sanctions results in the termination of WV WORKS benefits for a period of 12 months.

Because the Appellant’s case manager determined that the Appellant failed to comply with her SSP by failing to keep her appointment scheduled for January 2, 2024, a request for a 3<sup>rd</sup> sanction was submitted to the policy unit as required by policy. On January 12, 2024, notification of the placement of a third-level sanction was sent to the Appellant with a good cause appointment scheduled for January 22, 2024. The Appellant showed for the January 22, 2024 appointment, however, no good cause was found for her failure to keep the January 2, 2024 appointment on her

SSP. As this was the Appellant's third sanction, the implemented sanction resulted in the termination of the Appellant's WV WORKS/WVEAP benefits for a 12-month period.

The Appellant did not dispute the fact that she failed to keep her January 2, 2024 appointment with Worker Geris. Instead, the Appellant argued that the previous two sanctions against her were from several years ago and should not count against her currently. Additionally, the Appellant averred that had she known that the sanctions were cumulative, she would have been more careful. Worker Geris pointed out that this sanction was solely based upon the Appellant's failure to keep her January 2, 2024 appointment, and that the Appellant has not fulfilled any portion of the December 2023 SSP.

Sanctions that are placed on WV WORKS participants attach to that individual and follow that individual independent of the benefit case in which the individual is receiving benefits. The Board of Review lacks the authority to change policy and therefore cannot authorize the removal of the Appellant's previous accumulated sanctions. The Respondent's decision to place a third-level sanction against the Appellant is affirmed.

### **CONCLUSIONS OF LAW**

- 1) Because the Appellant failed, without good cause, to adhere to the term of the December 1, 2023 PRC/SSP, and no good cause was granted, the Respondent must impose a sanction.
- 2) As this is the Appellant's third sanction, the TANF policy unit was contacted and approved the placement of the third sanction.
- 3) Policy requires a 12-month closure of WV WORKS/WVEAP benefits for third and subsequent penalties.
- 4) The Respondent correctly placed a third-level sanction to the Appellant's WV WORKS/WVEAP benefits resulting in case closure for a 12-month period.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to terminate the Appellant's SNAP benefits.

**ENTERED this 15<sup>th</sup> day of March 2024.**

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Lori Woodward, Certified State Hearing Officer