



May 9, 2024

[REDACTED]

RE: [REDACTED] v. WVDoHS  
ACTION NO.: 24-BOR-1911

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 assure 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,

Todd Thornton  
State Hearing Officer  
Member, State Board of Review

Encl: Recourse to Hearing Decision  
Form IG-BR-29

cc: Bridget Mahan, Department Representative

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

██████████,

**Appellant,**

v.

**Action Number: 24-BOR-1911**

**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 May 9, 2024, upon a timely appeal filed on April 9, 2024.

The matter before the Hearing Officer arises from an alleged denial of the right to apply for WV WORKS benefits.

At the hearing, the Respondent appeared by Rebecca Roush. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Application document electronically signed by the Appellant on March 2, 2024
- D-2 Correspondence from the Appellant, dated April 4, 2024
- D-3 West Virginia Income Maintenance Manual policy excerpts

**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 submitted an application for SNAP and Medicaid benefits on March 2, 2024. (Exhibit D-1)
- 2) The Respondent approved the Appellant's application for SNAP and Medicaid benefits.
- 3) The application (Exhibit D-1) submitted by the Appellant is not an application for WV WORKS benefits.
- 4) The Appellant sent correspondence (Exhibit D-2) to the Respondent.
- 5) The correspondence (Exhibit D-2) is not an application for WV WORKS benefits.
- 6) The Respondent worker replied to an expressed interest in WV WORKS by explaining the application process and eligibility factors.

### **APPLICABLE POLICY**

#### **WVIMM, Chapter 1, §1.2.1.A provides, in part:**

In addition to addressing all questions and concerns the client may have, the Worker must explain the benefits of each program and inform the client of his right to apply for any or all of them.

No person is denied the right to apply for any Program administered by the Division of Family Assistance (DFA) or the Bureau for Medical Services (BMS). Every person must be afforded the opportunity to apply for all Programs on the date he expresses his interest...

#### **WVIMM, Chapter 1, §1.2.4 provides:**

The client's responsibility is to provide complete and accurate information about his circumstances so that the Worker is able to make a correct determination about his eligibility.

**WVIMM, Chapter 1, §1.2.5 provides, in part:**

...

WV WORKS, Emergency Low Income Heating Assistance Program (LIEAP), and Emergency Assistance require a face-to-face interview.

...

**WVIMM, Chapter 1, §1.3.1 lists the application forms that can be used to apply for agency programs. At §1.3.1.A.1, this policy states the DFA-2 form may be used for programs including WV WORKS. At §1.3.1.B.1, this policy states that WV PATH applications may be accepted for “certain benefits,” and does not list WV WORKS among these benefits. At §1.3.3, policy provides, in part:**

The DFA-RFA-1 Request for Assistance may be used to protect the date of application for WV WORKS. The form is considered complete when it contains, at a minimum, the applicant’s name, address, and signature.

### **DISCUSSION**

The Appellant requested a hearing to address allegations of denial of the right to apply for WV WORKS benefits by the Respondent. The Respondent must show by a preponderance of the evidence that it did not deny the Appellant the right to apply for WV WORKS benefits.

The Appellant applied for SNAP and Medicaid on March 2, 2024. The Appellant was approved for these benefits. The Appellant submitted this application using an online portal known as WV PATH. This application method is disallowed by policy for WV WORKS applications.

The Appellant sent correspondence to the Respondent on April 4, 2024. This correspondence is neither a DFA-2 form, nor a DFA-RFA-1 form, and is not a type of document that would be accepted by the Respondent as a form of application. In response to the correspondence, Respondent worker Bridget Mahan called the Appellant and explained the application process and eligibility requirements for WV WORKS. Although the Appellant did not apply, he did express an interest in applying. The Respondent established through reliable testimony that it adequately responded to this request.

Instead of applying, the Appellant indicated through testimony that he believes he does not need to apply, verify information, or otherwise comply with the application process because he is excluded from these requirements as a [REDACTED]. The Appellant offered convincing testimony regarding his status as a [REDACTED], but unconvincing assertions regarding how this status affects his responsibilities in the application process. The Board of Review is bound by agency policy and cannot modify or create exceptions to that policy. WV WORKS policy requires an application, which requires a *proper* form which contains “...at a minimum the applicant’s name, address, and signature,” and outlines no exceptions to these requirements for any groups of individuals.

The Respondent showed through reliable evidence and testimony that it did not deny the Appellant the right to apply for WV WORKS benefits.

### **CONCLUSIONS OF LAW**

- 1) Because the March 2024 application from the Appellant was not an application for WV WORKS, the Respondent must not process it as an application.
- 2) Because the April 2024 correspondence from the Appellant was not an application for WV WORKS, the Respondent must not process it as an application.
- 3) Because the Respondent properly addressed an expressed interest in applying for WV WORKS, it did not deny the Appellant the right to apply for that program.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the actions of the Respondent as correct and not a denial of the right to apply for WV WORKS.

**ENTERED this \_\_\_\_\_ day of May 2024.**

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**Todd Thornton  
State Hearing Officer**