



June 11, 2024

[REDACTED]

RE: [REDACTED] v. WV DOHS  
ACTION NO.: 24-BOR-2110

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,

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



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 program benefits.
- 2) On March 14, 2024, the Appellant entered into a Self Sufficiency Plan (SSP) with her worker, Jessica Geris. (Exhibit D-2)
- 3) The SSP was developed wherein several goals were to be met by the Appellant including meeting with Worker Geris on April 16, 2024, at 9:00 am. (Exhibit D-2)
- 4) The Appellant failed to attend her on April 16, 2024 scheduled appointment.
- 5) Worker Geris placed a sanction against the Appellant for failing to attend the scheduled April 16, 2024 appointment.
- 6) On April 16, 2024, a Notice of Pending Closure of Benefits was sent to the Appellant, notifying her of the Respondent's pending action against her WV WORKS benefits case and that a case staffing appointment had been scheduled for April 30, 2024, at 10:00 a.m. in order to resolve the issue for her failure to meet the terms of the Personal Responsibility Contract (PRC) or Self-Sufficiency Plan (SSP). (Exhibit D-4)
- 7) On April 16, 2024, a Notice of Pending Reduction in Benefits was sent to the Appellant, notifying her of the Respondent's decision to place a one month sanction against the Appellant and that a good cause appointment had been scheduled for April 30, 2024, at 10:15 a.m. in order to resolve the issue or establish good cause for her compliance failure. (Exhibit D-5)
- 8) On April 17, 2024, the Respondent sent a notice of closure of the Appellant's WV WORKS benefits due to a first sanction being applied for failure to comply with the requirements of the Personal Responsibility Contract (PRC) and/or the Self Sufficiency Plan (SSP), effective May 1, 2024. (Exhibit D-6)
- 9) The April 17, 2024 closure notice also explained a good cause appointment was scheduled for April 30, 2024, at 10:00 a.m. (Exhibit D-6)
- 10) The Appellant failed to show for the scheduled appointments on April 30, 2024.
- 11) This is the Appellant's first sanction.

## 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, §1.5.22 *Self-Sufficiency Plan (SSP), in part:*** The Self-Sufficiency Plan (SSP), form DFA-SSP-1, is a negotiated 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 DOHS. The SSP is specific to each participant. It lists the goals, as well as the tasks necessary to accomplish the goals, including specific appointments, assignments and activities for the adult/emancipated minor. In addition, the SSP identifies the circumstances which impede attainment of the established goals and specifies the services needed to overcome the impediments.

**WV IMM, Chapter 18, §18.7.5.D, *Missed Appointments:*** Failure, without good cause (see Chapter 14.9), to keep appointments to initiate or continue the assessment process indicates a failure/refusal to cooperate or participate. The Case Manager may provide written notice of the appointment by including it on the initial SSP or by using any approved appointment forms. The written notice may be given to him during the interview or may be mailed. If no record of the issuance of the notice is shown in the eligibility system or on a signed SSP, the Case Manager must record that such a notice was issued and include the date/time of the appointment. When a letter is mailed scheduling the appointment, the Case Manager must allow no less than seven calendar days. This period begins the day following the date the letter is requested in the eligibility system or when a manual letter is sent. When an appointment is scheduled in writing and the applicant misses the appointment, a sanction may be imposed without making a second appointment, unless the applicant has good cause or contacts the Case Manager to reschedule the appointment. When an appointment is unscheduled, a sanction may not be imposed for failure to be available. Instead, the Case Manager must schedule a second appointment in writing. Failure, without good cause, to keep the second appointment or reschedule it results in a sanction.

**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.

**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 a first-level sanction results in the termination of WV WORKS benefits for a period of one month.

Because the Appellant's case manager, Jessica Geris, determined that the Appellant failed to comply with her SSP assignment/activity by failing to attend the scheduled April 16, 2024 appointment, a first-level sanction was applied with notification to the Appellant being sent on April 17, 2024. The April 17, 2024 notification included a good cause appointment scheduled for April 30, 2024 at 2:00 p.m. Additionally, on April 16, 2024, Worker Geris sent a Notice of Pending Closure of Benefits (DFA-WVW-5) and Notice of Pending Reduction of Benefits (DFA-WVW-NL-1) to the Appellant notifying her of the April 30, 2024 case staffing and good cause appointments. The Appellant failed to appear for the April 30, 2024 case staffing and good cause appointments. Accordingly, the Appellant's WV WORKS benefits terminated effective May 1, 2024.

The Appellant testified that she has trouble with the mail system. The Appellant contended that she was unaware of the April 16, 2024 meeting scheduled for 9:00 a.m. with Worker Geris. However, this meeting was scheduled and agreed upon on the Appellant's March 14, 2024 SSP. Additionally, the Appellant stated that did not receive the April 16, 2024 case staffing and good cause appointment notices, the April 17, 2024 closure notice, or the evidence packet Worker Geris sent prior to the hearing. (Although the Appellant contended she did not receive the evidence packet for this hearing, she agreed to proceed.) Worker Geris credibly testified that the evidence packet was sent using a USPS tracking number and was shown as delivered on May 31, 2024 at 4:06 p.m.

The credibility of the Appellant's contentions are questionable. The Appellant agreed to the April 16, 2024 meeting at 9:00 a.m. with Worker Geris during her SSP meeting. The Appellant's

signature on the SSP agreeing to the scheduled meeting which was listed as part of her SSP assignment/activity, refutes the Appellant's contention that she was unaware of this appointment and casts doubt on her claims of not receiving the other notices, including the evidence packet.

The Respondent showed by a preponderance of evidence that the Appellant failed to attend the April 16, 2024, 9:00 a.m. meeting, which was a scheduled as part of her SSP. The Respondent's decision to place a first-level sanction against the Appellant is affirmed.

### **CONCLUSIONS OF LAW**

- 1) The Appellant failed to adhere to her SSP assignment/activity by failing to attend the scheduled April 16, 2024, 9:00 a.m. on her SSP.
- 2) The Respondent sent notification of scheduled case staffing and good cause appointments for April 30, 2024, however, the Appellant failed to appear.
- 3) Because the Appellant failed to establish good cause for her not adhering to the SSP assignment/activity, the Respondent correctly imposed a sanction.
- 4) Policy requires a one month closure of WV WORKS benefits for first-level sanctions.
- 5) As this is the Appellant's first sanction, the Respondent correctly determined that the Appellant is ineligible for WV WORKS/WVEAP benefits for one month.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to apply a first-level sanction to the Appellant's WV WORKS benefits.

**ENTERED this 11<sup>th</sup> day of June 2024.**

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Lori Woodward, Certified State Hearing Officer