



**STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of the Inspector General  
Board of Review**

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

**Christopher G. Nelson  
Interim Inspector General**

October 27, 2023

[REDACTED]

RE: [REDACTED] v. WVDHHR  
ACTION NO.: 23-BOR-2714

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 Health and Human Resources. 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,

**Tara B. Thompson, MLS**  
State Hearing Officer  
Member, State Board of Review

Encl: Decision Recourse  
Form IG-BR-29

CC: Amy Toler, [REDACTED] DHHR

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
BOARD OF REVIEW**

██████████,

**Appellant,**

**v.**

**Action Number: 23-BOR-2714**

**WEST VIRGINIA DEPARTMENT OF  
HEALTH AND HUMAN RESOURCES,**

**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 West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on October 4, 2023.

The matter before the Hearing Officer arises from the Respondent's August 17, 2023 decision to impose a WV WORKS sanction against the Appellant.

At the hearing, the Respondent was represented by Amy Toler, ██████████ DHHR. Appearing as a witness on behalf of the Respondent was Stacy Beagle, ██████████ DHHR. The Appellant appeared and represented herself. All witnesses were sworn in and the following documents were admitted into evidence.

**Department's Exhibits:**

None

**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 following Findings of Fact are set forth.

## **FINDINGS OF FACT**

- 1) The Appellant was a recipient of SNAP and WV WORKS benefits for herself and her two children.
- 2) The Appellant was exempt from work requirements because she had a newborn child.
- 3) On August 2, 2023, the Appellant added her husband to her household. At that time, the Appellant's household consisted of the Appellant, her husband, and their two mutual children.
- 4) On August 2, 2023, the Appellant and the Respondent agreed that the Appellant would conduct job-searching activities.
- 5) The Respondent required the Appellant to attend an appointment on an unknown date.
- 6) The Appellant missed the appointment.
- 7) On August 17, 2023, the Respondent applied a sanction to the Appellant's WV WORKS benefits and subsequently reduced the amount of the Appellant's Supplemental Nutrition Assistance Program benefits.

## **APPLICABLE POLICY**

**West Virginia Income Maintenance Manual (WVIMM) § 14.8 WV WORKS Sanctions provides in relevant sections:**

When a member of the assistance group (AG) does not comply with the requirements found on the Personal Responsibility Contract (PRC) or Self-Sufficiency Plan (SSP), a sanction must be imposed unless the Case Manager determines that good cause exists.

## **DISCUSSION**

The Respondent's decision to impose a sanction on the Appellant was based on the argument that she violated an agreement of the Personal Responsibility Contract (PRC). The Respondent argued that the Appellant was required to participate in job searching and if she did not obtain employment within two weeks, she was required to come in for an appointment and SPOKES referral. The Appellant argued that she was actively job searching and communicating. The Appellant further argued that the Respondent's worker advised her she had a month to complete the job search before being required to attend SPOKES.

The Respondent bears the burden of proof and had to demonstrate by a preponderance of evidence that the Appellant violated her Personal Responsibility Contract by failing to complete the job search as stipulated in the agreement. Neither party submitted documents for evidential review.

During the hearing, the Respondent testified that on August 2, 2023, the Appellant's household consisted of the Appellant, her husband, and their two children. The Appellant did not refute this household composition. The Respondent's representative testified that the Appellant was under a newborn exemption until her August 2, 2023 PRC update.

The Respondent's representative testified that the Appellant and Respondent agreed that the Appellant would job search and begin SPOKES, on August 21, 2023, if she hadn't found a job by August 18, 2023. The Respondent's representative testified that she had an email exchange with the Appellant and the Appellant agreed to come in and sign a SPOKES referral. The Respondent's representative testified that the Appellant did not keep that appointment and subsequently did not begin SPOKES on August 21, 2023, as they had agreed. The date of the missed appointment was not provided during the hearing. The Respondent did not submit any copies of correspondence requiring the Appellant to appear at an appointment. Therefore, it cannot be affirmed that the notice requiring the Appellant to appear at an appointment met the policy notice requirements. The Respondent's representative testified that the Appellant did not appear at the appointment, and the Respondent applied a sanction to the Appellant's WV WORKS benefits.

The Appellant testified that she and the Respondent discussed her responsibility to be actively job searching. The Appellant testified that she was actively job searching, keeping in contact with the Respondent, and providing the Respondent's worker with proof of job application submissions. The Appellant argued that the Respondent's worker advised her that she had a month to obtain employment before she would be required to start SPOKES.

The Respondent's worker's testimony regarding the PRC agreement was insufficient to establish a preponderance of evidence that the Appellant violated the PRC conditions. Because the Appellant contested the conditions of the job search agreement and the PRC was not provided to verify what conditions had been agreed upon, it cannot be affirmed that the Appellant violated the conditions of the PRC.

### **CONCLUSIONS OF LAW**

- 1) Sanctions may be applied — in the form of WV WORKS benefit terminations — when a member of the AG does not comply with the Personal Responsibility Contract (PRC).
- 2) The preponderance of the evidence failed to establish the requirements of the PRC.
- 3) The Respondent failed to prove by a preponderance of the evidence that the Appellant violated the conditions of her PRC.
- 4) The Respondent incorrectly applied a sanction to the Appellant's WV WORKS benefits.

## **DECISION**

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

Entered this 27<sup>th</sup> day of October 2023.

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**Tara B. Thompson, MLS**  
State Hearing Officer