

13.11 EFFECT OF WV WORKS SANCTION ON FOOD STAMPS

A WV WORKS sanction results in application of a Food Stamp penalty or disqualification when the WV WORKS sanction results from failure to comply with a requirement related to an activity which is listed in Section 24.5. However, the type of penalty/disqualification depends upon whether or not the individual would be subject to Food Stamp work requirements, if not a recipient of WV WORKS.

When no WV WORKS sanction is imposed, but the offense is counted and used to determine the next WV WORKS sanction level, no Food Stamp penalty/disqualification is applied or penalty counted when determining any subsequent Food Stamp penalty level.

Even though the WV WORKS check amount decreases due to the sanction, Food Stamp benefits must not increase. See Section 10.4,D,8,b. This applies even when a Food Stamp penalty or disqualification is also imposed. See Section 10.4,D,a for the treatment of income is disqualified individuals.

A. FOOD STAMP PENALTY

The appropriate Food Stamp penalties found in Section 13.6 are applied to a WV WORKS recipient when:

- The individual is exempt from Food Stamp work requirements only because he is subject to and complying with a WV WORKS work requirement, i.e., if he did not receive WV WORKS, he would be subject to Food Stamp work requirements; and
- The individual failed to comply with a requirement related to an activity which is listed in Section 24.5.

Once the penalty begins, the full Food Stamp penalty period must be served, even if the WV WORKS case is closed. The penalty is only lifted if:

- The individual is receiving WV WORKS and becomes exempt from WV WORKS work requirements; or
- The individual is not receiving WV WORKS and meets one of the exemptions listed in Section 13.2,A,2.

B. FOOD STAMP DISQUALIFICATION

A Food Stamp disqualification is imposed when:

- The individual receives WV WORKS, but would be exempt from Food Stamp work requirements if he received only Food Stamps; and
- The individual failed to comply with a requirement related to an activity which is listed in Section 24.5 and a WV WORKS sanction is imposed; and
- The individual was a Food Stamp recipient at the time the failure to comply occurred

The individual is removed from the Food Stamp AG for the same duration as the WV WORKS sanction period. The WV WORKS sanction period and the FS disqualification may run concurrently, i.e., during the same months, but it is not a requirement that they do so. The Food Stamp disqualification cannot exceed the WV WORKS sanction period.

EXAMPLE: A WV WORKS recipient who is subject to WV WORKS work requirements, but who has a child under age 6, quits her job on October 2nd. Her Worker determines she did not have good cause. The Worker sends a notice on October 4th, that, effective November, the WV WORKS check will decrease by 1/3 for 3 months and that, because of failure to comply with a work requirement, the client will be disqualified for Food Stamps and removed from the Food Stamp AG for 3 months. The client does not contest the WV WORKS sanction, but requests a Fair Hearing because she does feel she should also be disqualified for Food Stamps. The WV WORKS sanction is imposed for November, December and January. The Fair Hearing about the Food Stamp disqualification is not held until November 7th. The Fair Hearing decision issued on December 1st upholds the Department and the Food Stamp disqualification is imposed for January, February and March.

C. DETERMINATION OF APPROPRIATE FOOD STAMP PENALTY/DISQUALIFICATION

SUBJECT TO FS WORK REQUIREMENTS IF NOT A WV WORKS RECIPIENT	WV WORKS SANCTION FOR WORK REQUIREMENT	AFFECT ON FOOD STAMPS	LENGTH OF PENALTY/DISQUALIFICATION	PENALTY/DISQUALIFICATION LIFTED
YES	YES	FS PENALTY-SECTION 13.6 - INDIVIDUAL REMOVED FROM FS AG	APPROPRIATE FS PENALTY-SECTION 13.6	WV WORKS RECIPIENT-IF EXEMPT FROM WV WORKS WORK REQUIREMENT NON-WV WORKS RECIPIENT-IF MEETS EXEMPTION IN SECTION 13.2,A,2
NO	YES - MUST BE FOOD STAMP RECIPIENT AT TIME OF FAILURE TO COMPLY	FS DISQUALIFICATION - INDIVIDUAL REMOVED FROM FS AG UNLESS WV WORKS CLOSED FOR REASON OTHER THAN WORK-RELATED SANCTION	ONLY FOR SAME DURATION OF WV WORKS SANCTION PERIOD- DOES NOT AFFECT FS PENALTY LEVEL NO REQUIREMENT TO BE CONCURRENT WITH WV WORKS SANCTION PERIOD BUT CANNOT EXCEED DURATION OF WV WORKS SANCTION	WV WORKS RECIPIENT-WHEN DISQUALIFICATION PERIOD DETERMINED BY SANCTION PERIOD ENDS OR WV WORKS CLOSED FOR REASON OTHER THAN WORK-RELATED SANCTION NON-WV WORKS RECIPIENT-WHEN DISQUALIFICATION PERIOD DETERMINED BY SANCTION PERIOD ENDS OR WV WORKS INELIGIBILITY DETERMINED FOR REASON OTHER THAN SANCTION
YES	NO	NONE	NONE	N/A
NO	NO	NONE	NONE	N/A

D. EXAMPLES

EXAMPLE: A Food Stamp AG consists of: Mr. X, his 2 children (ages 3 and 4), Mr. X's brother and sister-in-law and their newborn child. Mr. X receives a WV WORKS check and must meet the WV WORKS work requirements, unless temporarily exempt. The brother and sister-in-law do not receive WV WORKS and must meet the Food Stamp work requirements. The brother is 17 years old and just graduated from high school. At the last redetermination, the brother was exempted from the Food Stamp work requirement due to high school attendance. The sister-in-law, who is on extended maternity leave from her employment, is planning to return to work in 3 months. In October, Mr. X and his brother are both offered jobs at the same work site. The work is manual labor and pays minimum wage.

Both Mr. X and his brother are able to perform the work, but they believe they can find better jobs; both refuse the employment. The Worker determines that neither had good cause for the refusal and applies the following penalties:

For Mr. X: A sanction is imposed for WV WORKS and the check amount is reduced by 1/3. In addition, since the WV WORKS sanction is for a work requirement, a Food Stamp disqualification is imposed. Mr. X is removed from the Food Stamp AG for the same amount of time as the WV WORKS sanction and the amount by which his WV WORKS check is reduced due to the sanction is counted as income for Food Stamp purposes. A Food Stamp penalty is not imposed because Mr. X is responsible for the care of a child under 6. If he received Food Stamps only, he would be exempt from Food Stamp work requirements.

For the brother: No Food Stamp penalty is applied for the brother's offense because he was exempt at the last redetermination and is not subject to the Food Stamp work requirements until the next redetermination.

EXAMPLE: Ms. A receives a WV WORKS check for herself and 3 children, ages 15, 12 and 7. She refuses without good cause to pursue child support for her last child and her WV WORKS case is sanctioned.

Even though cooperation with BCSE is a PRC requirement, it is not a work-related requirement. Therefore, a Food Stamp penalty is not applied for this offense.

EXAMPLE: Continuation of example above. After the 1st WV WORKS sanction has been applied, Ms. A fails to participate in her CWEP assignment with no reason given. The Worker determines that she did not have good cause and applies a 2nd WV WORKS sanction. Because this is a WV WORKS work requirement, a Food Stamp penalty is applied. Mrs. A continues in her 2nd WV WORKS sanction and her 1st Food Stamp penalty is applied.

EXAMPLE: A family received Food Stamps for several years before starting to receive WV WORKS. One Food Stamp penalty was imposed and ended before the WV WORKS benefit started. After becoming a WV WORKS recipient, the client is sanctioned for failure to have her 18-month-old child immunized. Since this is not a work-related activity, no Food Stamp disqualification is applied, but she still has 1 WV WORKS sanction and 1 Food Stamp penalty. A year later,

a

2nd WV WORKS sanction is imposed due to failure without good cause to maintain her part-time job of 10 hrs/wk. A Food Stamp disqualification is imposed. The month after imposition of the mother finds another part-time job (15 hrs/wk) which she suddenly quits a week later with no explanation. A 3rd WV WORKS sanction is

imposed by closure of the AG. When WV WORKS eligibility ends due to imposition of the 3rd sanction, the Food Stamp disqualification continues for the duration of the 3rd WV WORKS sanction period, unless the family becomes ineligible for WV WORKS for some other reason.

EXAMPLE: A mother and 3 children begin receiving WV WORKS after receiving Food Stamps for several years; at that time they have already had 2 Food Stamp penalties applied. The children in the home are ages 13, 15 and 17. The mother accepts part-time employment, but continues to receive a monthly WV WORKS check. Three months later she quits her job and the Worker determines she did not have good cause. The 1st WV WORKS sanction is applied and this results in application of the 3rd Food Stamp penalty because the mother would not be exempt from Food Stamp work requirements if she received Food Stamps only.