

13.6 FOOD STAMP WORK REQUIREMENT PENALTIES

A Food Stamp penalty is imposed when the individuals listed below do not comply with a work requirement and do not have good cause.

- S** A non-WV WORKS recipient who does not comply with the Food Stamp work requirements in Section 13.2 - 13.5.
- S** A WV WORKS recipient who is exempt from Food Stamp work requirements only because he is subject to and complying with a WV WORKS requirement in Section 24.5

NOTE: Individuals who are subject to WV WORKS work requirements, but who would not be subject to a Food Stamp work requirement if they received only Food Stamps, are not subject to Food Stamp penalties, but may be subject to a Food Stamp disqualification. See Section 13.11.

EXAMPLE: A mother and 3 children, ages 7, 3 and 1, receive WV WORKS. The mother is working 20 hours per week. She quits her job and the Worker decides she did not have a good cause. The 1st WV WORKS sanction is applied. No Food Stamp penalty is applied since the mother has a child under age 6 and would not be subject to meeting a Food Stamp work requirement if she only received Food Stamps. She is subject to a Food Stamp disqualification. See Section 13.11.

NOTE: When an applicant fails to comply with work requirements he is ineligible to be included in the AG until he complies or reports a change that makes him ineligible. When this is the case, the applicant's period of ineligibility is not counted as a penalty.

- First violation: The individual is removed from the AG for a minimum of 3 months. If non-compliance continues, the penalty continues until the failure or refusal stops, or until the individual reports a change that makes him exempt according to Section 13.2,A.1 for some reason other than UCI-related activities.
- Second violation: The individual is removed from the AG for a minimum of an additional 3 months. If the non-compliance continues, the penalty continues until the failure or refusal ceases, or until the individual reports a change that makes him exempt according to Section 13.2,A,1 for some reason other than UCI-related activities.

- Third violation: The individual is removed from the AG and is not eligible for Food Stamps, either as a separate AG or as a member of another AG, unless he reports a change that makes him exempt according to Section 13.2 A, for some reason other than UCI-related activities.

NOTE: The minimum penalty must be served unless the client reports an exemption. The penalty is never applied to an entire AG, only to the individual who does not comply.

NOTE: Penalties are applied sequentially, regardless of the requirement not met. In addition, penalties are applied consecutively and one penalty must end before another one is imposed.

EXAMPLE: A client incurs the first penalty for failure to register with BEP and is disqualified for a minimum of 3 months. In the second month, he registers with BEP, but still has a month of the penalty left. In the third month, he refuses a job offer, so the second penalty of an additional 3 months is applied. The second penalty begins after expiration of the first penalty taking into consideration advance notice requirements.

A WV WORKS offense that involves a work requirement results in application of a WV WORKS sanction and also results in a Food Stamp penalty or disqualification. See Sections 13.2,B and 13.11. 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 is applied and the offense is not counted as a Food Stamp offense when determining the next Food Stamp penalty level.

Following the end of the 1st or 2nd penalty, the Worker must add the individual to the AG, if the individual is otherwise eligible. See Section 1.4. Those who have had the 3rd penalty applied must reapply.