

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. **See Section 19.2 for the effect of penalties on eligibility for Emergency Assistance.**

NOTE: If the effective begin date of a penalty occurs at the same time the client is determined to be ineligible or requests closure of his benefits, the penalty must still be applied.

A. NON-WV WORKS RECIPIENT

A non-WV WORKS recipient who does not comply with the Food Stamp work requirements in Section 13.2 - 13.5 **is subject to the following penalties for at least the minimum penalty period or until he reports a change which makes him exempt from the work requirements. See Section 13.2,A,2 for exemptions.**

Penalties for refusal to register with BEP, refusal to cooperate with FSE&T, refusal of employment and refusal to provide information about employment status and job availability are:

- First violation: The individual is removed from the AG for **at least 3 months or until he meets an exemption, whichever is less. If after 3 months, the individual has not complied or met an exemption, 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,2 for some reason other than UCI-related activities.
- Second violation: The individual is removed from the AG for **at least an additional 3 months or until he meets an exemption, whichever is less. If after the 3 months, the individual has not complied or met an exemption, 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,2 for some reason other than UCI-related activities.
- Third violation: The individual is removed from the AG and is not eligible for Food Stamp **benefits**, 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,2 for some reason other than UCI-related activities. **When the client no longer meets an exemption, he is ineligible for Food Stamp benefits until he meets another exemption.**

NOTE: The minimum penalty must be served unless the client **meets** an exemption. The penalty is never applied to an entire AG, only to the individual who does not comply. **When the reported exemption ends, the client is subject to the original penalty, unless he has complied or meets another exemption.**

NOTE: Penalties for Voluntary Quit are considered the same as above, except that during the first and second violation, the penalty must not last more than 3 months or until the individual reports an exemption, whichever is less. The individual must not be required to return to the same or comparable employment before eligibility is established.

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: In April, a recipient fails to register with BEP and refuses a job offer. He incurs the first penalty for failure to register and is disqualified for a minimum of 3 months beginning in May. In June, he registers with BEP, but still has a month of the penalty left. Effective August 1st, his first penalty ends, but his second penalty for refusing a job offer begins after expiration of the first penalty, taking into consideration advance notice requirements.

B. WV WORKS RECIPIENT

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 Sections 24.6 - 24.13,A **is subject to the following penalties when he does not comply. A WV WORKS offense that involves a work requirement which results in application of a WV WORKS sanction may also result in a Food Stamp penalty. See Sections 13.2,B and 13.11.**

- **First violation:** The individual is removed from the AG until the individual reports a change that makes him exempt according to Section 13.2,A,2 for some reason other than UCI-related activities or for a maximum of 3 months. Following the end of the 1st penalty, the Worker must add the individual to the AG, if the individual is otherwise eligible.

- **Second violation:** The individual is removed from the AG until the individual reports a change that makes him exempt according to Section 13.2,A,2 for some reason other than UCI-related activities or for a maximum of an additional 3 months. Following the end of the second penalty, the Worker must add the individual to the AG, if the individual is otherwise eligible.
- **Third violation:** The individual is removed from the AG and is not eligible for Food Stamp benefits, 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,2 for some reason other than UCI-related activities.

NOTE: The maximum 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. When the reported exemption ends, the client is subject to the original penalty, unless he has complied, meets another exemption or the original period has ended.

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.