

13.11 EFFECT OF WV WORKS SANCTION ON FOOD STAMP BENEFITS

A WV WORKS sanction may result in application of a Food Stamp penalty when the WV WORKS sanction results from failure to comply with a requirement related to an activity which is listed in Sections 24.6 - 24.13.

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 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 is also imposed. See Section 10.4,D,a for the treatment of income for disqualified individuals.

WV WORKS sanctions are applied to all Work-Eligible members of a WV WORKS case, not just to the individual who causes the sanction to be imposed. However, only the individual who causes the WV WORKS sanction to be imposed may be subject to a Food Stamp penalty.

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 Sections 24.6 - 24.13.

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.

NOTE: The non-recipient Work-Eligible Individual who fails to comply with a requirement related to an activity which is listed in Sections 24.6 – 24.13 and who is subject to a WV WORKS sanction is not subject to a Food Stamp penalty when they are not included in the Food Stamp AG.

B. 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. 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: Ms. C 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 penalty 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. No Food Stamp penalty is imposed because she has a child under age 6 and is exempt from Food work requirements for that 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.

EXAMPLE: A father who is a fleeing felon is a non-recipient Work-Eligible Individual for WV WORKS. He receives a WV WORKS sanction for failure to participate in his CWEP assignment without good cause. Even though this is a WV WORKS work requirement, a Food Stamp penalty is not imposed because he is not included in the Food Stamp AG. The mother returns to the household and is assigned the same number of WV WORKS sanctions as the father. Since she did not cause the WV WORKS sanction, no Food Stamp penalty is applied to the Mother.

13.12 EFFECT OF WV WORKS SANCTION ON MEDICAID

The receipt of WV WORKS has no bearing on Medicaid eligibility, under any coverage group. Likewise, a WV WORKS sanction or ineligibility has no bearing on Medicaid eligibility, under any coverage group.

However, cooperation with BCSE is a requirement for both WV WORKS and Medicaid. To meet the Medicaid requirement, the caretaker is required to pursue medical support only, not cash child support. Therefore, both Programs could be affected for failure to cooperate with BCSE, but ineligibility for Medicaid is not automatic when a WV WORKS sanction is imposed for failure to cooperate with BCSE.