

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.

When determining the correct number of penalties, the Worker must look at the total number of penalties previously served, not just the number of penalties for each work requirement.

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.

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.

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.

1. Voluntary Quit and Voluntary Reduction of Hours Penalties

A non-WV WORKS recipient who voluntarily quits employment of at least 30 hours a week or voluntarily reduces his hours to below 30 a week is subject to the following maximum penalty periods or until he reports an exemption, whichever is less. See Section 13.2,A,2 for exemptions. The individual must not be required to return to the same or comparable employment before eligibility is established.

- **First violation: The individual is removed from the AG for no more than 3 months or until he meets an exemption, whichever is less. If the individual does not meet an exemption prior to the end of the penalty, he is added back into the AG after 3 months. A one-person AG must reapply to establish eligibility.**

Work Requirements

- **Second violation:** The individual is removed from the AG for no more than 6 months or until he meets an exemption, whichever is less. If the individual does not meet an exemption prior to the end of the penalty, he is added back into the AG for 6 months. A one-person AG must reapply to establish eligibility.
- **Third and subsequent violations:** The individual is removed from the AG for no more than 12 months or until he meets an exemption, whichever is less. If the individual does not meet an exemption, prior to the end of the penalty he is added back into the AG after 12 months. A one person AG must reapply to establish eligibility.

EXAMPLE: A man in a 3-person AG failed to register with BEP in December. He was placed in a first penalty beginning in January. The minimum length of the penalty was 3 months, but he did not register until April, so he was not added back into the AG until May. In July, he quit a job of at least 30 hours a week without good cause. He was placed in a voluntary quit penalty beginning August. Since this was his second penalty, the maximum length of the penalty is 6 months. If he does not meet an exemption prior to the end of the 6 months, he is not eligible to be added back into the AG until February.

2. Non-Voluntary Quit Penalties

A non-WV WORKS recipient who refuses or fails to register with BEP, cooperate with FSE&T, refuses employment or refuses to provide information about employment status and job availability 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.

- **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 6 months or until he meets an exemption, whichever is less. If after the 6 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 **and subsequent violations:** The individual is removed from the AG **for at least an additional 12 months or until he meets an exemption, whichever is less. If after the 12 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.

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 **6** months. Following the end of the second penalty, the Worker must add the individual to the AG, if the individual is otherwise eligible.
- Third **and subsequent violations:** 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 12 months. Following the end of the third penalty, the Worker must add the individual to the AG, if the individual is otherwise eligible.**

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.