

### 13.11 EFFECT OF WV WORKS SANCTION ON SNAP BENEFITS

A WV WORKS sanction may result in application of a SNAP 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.

Even though the WV WORKS check amount decreases due to the sanction, SNAP benefits must not increase. See Section 10.4,D,8,b. This applies even when a SNAP 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 SNAP penalty.

#### A. SNAP PENALTY

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

- The individual is exempt from SNAP 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 SNAP 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 SNAP penalty period must be served, even if the WV WORKS benefit 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 meets one of the exemptions listed in Section 13.2,A,2, except for receipt of WV WORKS.

**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 SNAP penalty when they are not included in the SNAP AG.

## Work Requirements

## B. EXAMPLES

**EXAMPLE:** A SNAP 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 SNAP work requirements. The brother is 17 years old and just graduated from high school. At the last redetermination, the brother was exempted from the SNAP 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 SNAP purposes. A SNAP penalty is not imposed because Mr. X is responsible for the care of a child under 6. If he received SNAP only, he would be exempt from SNAP work requirements.

For the brother: No SNAP penalty is applied for the brother's offense because he was exempt at the last redetermination and is not subject to the SNAP 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 SNAP 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 SNAP penalty is applied. Mrs. A continues in her 2<sup>nd</sup> WV WORKS sanction and her 1st SNAP penalty is applied.

**EXAMPLE:** Ms. C received SNAP for several years before starting to receive WV WORKS. One SNAP penalty was imposed and ended before the WV WORKS benefit started. After becoming a WV WORKS recipient, the

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client is sanctioned for failure to have her 18-month-old child immunized without good cause. Since this is not a work-related activity, no SNAP penalty is applied, but she still has 1 WV WORKS sanction and 1 SNAP 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 hours/week. No SNAP penalty is imposed because she has a child under age 6 and is exempt from SNAP work requirements for that reason.

**EXAMPLE:** A mother and 3 children begin receiving WV WORKS after receiving SNAP for several years; at that time they have already had 2 SNAP 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 SNAP penalty because the mother would not be exempt from SNAP work requirements if she received SNAP 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 SNAP penalty is not imposed because he is not included in the SNAP 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 SNAP penalty is applied to the Mother.