



**State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
Post Office Box 1736
Romney, WV 26757**

**Joe Manchin III
Governor**

**Martha Yeager Walker
Secretary**

November 14, 2006

Dear Ms. _____

Attached is a copy of the findings of fact and conclusions of law on your hearing held November 30, 2006. Your hearing request was based on the Department of Health and Human Resources' decision to apply a Food Stamp penalty against you for quitting a full time job without good cause established.

In arriving at a decision, the State Hearings Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

Eligibility for the Food Stamp program is based on current policy and regulations. Some of these regulations state as follows: An applicant who voluntarily quits employment is ineligible for 3 months unless good cause is established.

The information, which was submitted at your hearing, revealed that your employer reported that you quit a full time job and you did not provide the Department with needed verification to disprove this.

It is the decision of the State Hearing Officer to uphold the action of the Department to apply a Food Stamp sanction to your case.

Sincerely,

Sharon K. Yoho
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Hubbard, DHHR

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES
BOARD OF REVIEW**

_____ & _____

Claimants,

v.

Action Number: 06-BOR-2570

**West Virginia Department of
Health and Human Resources,**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on November 30, 2006 for _____. This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on November 30, 2006 on a timely appeal, filed July 18, 2006.

II. PROGRAM PURPOSE:

The Program entitled Food Stamps is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

The purpose of the Food Stamp Program is to provide an effective means of utilizing the nation's abundance of food "to safeguard the health and well-being of the nation's population and raise levels of nutrition among low-income households." This is accomplished through the issuance of EBT benefits to households who meet the eligibility criteria established by the Food and Nutrition Service of the U.S. Department of Agriculture.

III. PARTICIPANTS:

Claimant's witnesses:

_____, claimant
, co-claimant

Department's witnesses:

Megan Garland, Income Maintenance Worker

Presiding at the Hearing was Sharon K. Yoho, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is whether the Agency was correct in their actions to apply a Food Stamp penalty for quitting a full time job without good cause being established.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Policy § 13.3 A., 13.3 C. and 1.2

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 List of individuals in household
- D-2 Notification of Food Stamp approval dated July 17, 2006
- D-3 Expedited Food Stamp calculations
- D-4 Notification of verifications needed to continue Food Stamps dated July 14, 2006
- D-5 Notice of Food Stamp penalty for voluntary quit dated July 31, 2006
- D-6 Notification of \$86. issuance of Food Stamps
- D-7 Notification of proposed closure due to ABAWD policy dated August 17, 2006
- D-8 Calculations of August Food Stamps
- D-9 West Virginia Income Maintenance Manual Policy § 13.2
- D-10 West Virginia Income Maintenance Manual Policy § 13.3

VII. FINDINGS OF FACT:

- 1) The claimants were both in the [REDACTED] County DHHR office on July 14, 2006 to apply for Food Stamps. They reported to the Department a household of two and that there was zero income in their household.
- 2) During the July 14 application, the claimants reported that Mr. _____ was not able to work and that Ms. _____ had been fired from her employment in June. Notification (Exhibit D-4) was given to the claimants advising of information needed to continue Food Stamps. The Food Stamps were approved in an expedited fashion without some needed verifications due to zero income. The claimants were advised that a Doctor statement of Mr. _____'s ability to work was needed. They were advised that if this information was not provided by August 14, 2006 that the Food Stamps could not be continued for him.

- 3) After the Food Stamp application was processed, the caseworker received information from Ms. _____'s past employer that Ms. _____ had quit her employment. The worker stopped the process of the expedited Food Stamps and reissued a reduced amount of Food Stamps for a one-person household instead of two. A Food Stamp work penalty was applied to Ms. _____ due to the agencies voluntary quit policy.
- 4) The claimants did not supply a Doctor's statement as was requested during the July 14 application. The Department issued a notice of Food Stamp closure due to non-compliance with the Work Program requirements.
- 5) Ms. _____ requested this fair hearing due to her objection to the voluntary quit policy being applied to her. She was still insisting that she was fired. The issue of the Work Program requirements not being followed by Mr. _____ was addressed at this hearing out of courtesy to the claimants.
- 6) Ms. _____ did not provide proof to the Department that she was fired. At this hearing, she showed proof that she was approved for Unemployment Compensation on August 17, 2006 after she won an appeal against the Employment Security office. The termination from her employment was due to hostile issues and she did not quit on her own accord. Her approval for Unemployment Compensation followed a short penalty period.
- 7) Mr. _____ did not provide a Doctor's statement to the Department because his Doctor would not give him a statement of disability. He testified that his Doctor told him that he could not determine disability and that the government must do that. Ms. [REDACTED] advised him, during the hearing, to bring in medical records and the Department could look at them and see if an exemption could be given for the Work Program without a Doctor's statement.

8) **West Virginia Income Maintenance Manual § 13.3 - FOOD STAMP
VOLUNTARY QUIT:**

A. VOLUNTARY QUIT DEFINITION

An applicant who voluntarily quits employment is ineligible for 3 months; a penalty is applied to an active recipient.

NOTE: Those persons exempt from the work requirement at the time of the quit due to receipt of, or registration for, UCI benefits are exempt from the Food Stamp penalty.

C. GOOD CAUSE FOR VOLUNTARILY QUITTING

Once a determination is made that the client voluntarily quit, the Worker determines if the individual had good cause for leaving employment. If any of the following are met, good cause is established.

- The individual is physically or mentally unfit to perform the employment, as established by documented medical evidence or reliable information provided by another identifiable source.
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- 9) **WV Income Maintenance Manual Policy § 1.2, states:** The client's responsibility is to provide information about his circumstances so the Worker is able to make a correct decision about his eligibility.

VIII. CONCLUSIONS OF LAW:

- 1) Policy is clear in Chapter 1.2 that it is the client's responsibility to provide information about his circumstances so the worker is able to make a correct decision about his eligibility. The claimants failed to provide to the Department proof that Ms. _____ did not quit her job as the employer was reporting. They further failed to provide proof that Mr. _____ was unable to work. While it is understood that these pieces of verification were difficult for the claimants to obtain, the Department must still follow policy as it is written.
- 2) After the date in which Ms. _____ was approved for Unemployment Compensation, she may have become eligible for Food Stamps had she provided this information to the Department.

IX. DECISION:

I find that the Department was correct in their actions to request the needed verifications to continue Food Stamp eligibility. I rule to **uphold** the Department in its action to initiate a sanction based on the information available to them at the time in question.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 14th Day of December 2006.

Sharon K. Yoho
State Hearing Officer