



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
2699 Park Avenue, Suite 100
Huntington, WV 25704

Earl Ray Tomblin
Governor

Michael J. Lewis, M.D., Ph. D.
Cabinet Secretary

January 31, 2012

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held January 18, 2012. Your hearing request was based on the Department of Health and Human Resources' reduction of SNAP benefits.

In arriving at a decision, the State Hearing 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 SNAP is based on current policy and regulations. Some of these regulations state that a SNAP recipient must register with WORKFORCE WV/BEP every 12 months (West Virginia Income Maintenance Manual, Chapter 13.5.A.1), and that a recipient who fails to register is subject to removal from the assistance group for a first violation for at least 3 months or until she meets an exemption, whichever is less (West Virginia Income Maintenance Manual, Chapter 13.6.A.2).

The information submitted at your hearing revealed that you failed to register for WORKFORCE WV/BEP and proposed no exemptions to registration.

It is the decision of the State Hearing Officer to **uphold** the Department action to reduce your SNAP benefits.

Sincerely,

Todd Thornton
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Cory Collins, Department Representative

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

IN RE: -----,

Claimant,

v.

ACTION NO.: 11-BOR-2498

**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 January 31, 2012, 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 January 18, 2012, on a timely appeal, filed December 6, 2011.

II. PROGRAM PURPOSE:

The purpose of the Supplemental Nutrition Assistance Program (SNAP) 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 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
Cory Collins, Department representative

All persons offering testimony were placed under oath.

Presiding at the Hearing was Todd Thornton, State Hearing Officer and a member of the State Board of Review.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether or not the Department was correct to reduce the Claimant's SNAP benefits.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual, Chapter 13, §13.5.A.1; §13.2.A.2; §13.6.A.2

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 West Virginia Income Maintenance Manual, Chapter 13, §13.5.A.1
- D-2 West Virginia Income Maintenance Manual, Chapter 13, §13.2.A.2
- D-3 Notification dated October 11, 2011
- D-4 Notification dated November 17, 2011
- D-5 Screen prints from WorkForce West Virginia
- D-6 West Virginia Income Maintenance Manual, Chapter 13, §13.6.A.2

VII. FINDINGS OF FACT:

- 1) Cory Collins, representative for the Department, testified that the Claimant's SNAP benefits were reduced as a result of a penalty imposed for failure to renew her job registration with WorkForce WV, or the Bureau of Employment Programs (hereinafter "BEP"). The Claimant did not dispute that she failed to register with this job service, but contended that it was the result of notification she did not receive.
- 2) The Department presented notification (Exhibit D-3), dated October 11, 2011, advising of the job registration. Mr. Collins testified that this notice was sent to the Claimant and that he has no evidence that the mail was returned. The Claimant testified that she did not receive this letter. The letter states, in pertinent part:

Our records show that the following individuals need to register with BEP by the dates listed:

----- 11/09/11

- 3) The Department presented notification (Exhibit D-4), dated November 17, 2011, advising of the SNAP reduction effective December 2011 as a result of the job registration sanction. Mr. Collins testified that this notice was mailed, that there was no evidence that the notice was returned, and the Claimant testified that she did not receive the notice. The letter states, in pertinent part:

A Supplemental Nutrition Assistance Program (SNAP) work requirement penalty has been applied to -----.

The reason for this penalty is because of FAILURE TO REGISTER W/ BEP

This is penalty number 1

----- will remain ineligible for SNAP benefits.

FOR 3 MONTHS OR UNTIL COMPLIANCE, WHICHEVER IS LONGER

- 4) The Department presented (Exhibit D-1) the West Virginia Income Maintenance Manual, §13.5.A.1, which details the work registration requirements for SNAP recipients as follows, in pertinent part:

All mandatory individuals must register for employment with WORKFORCE WV/BEP, referred to in this section as BEP, within 30 days of the date of the original approval, unless exempt according to Section 13.2, or referred to SNAP E&T. Recipients must register every 12 months thereafter, regardless of the length of time that BEP considers the registration valid. Actions which constitute a registration are defined by BEP.

The Department additionally presented the policy addressing exemptions (Exhibit D-2); however, the Claimant proposed no exemptions to the policy, only that she had not been notified.

- 5) The Department presented (Exhibit D-6) the West Virginia Income Maintenance Manual, §13.6.A.2, which addresses the SNAP penalties for failure to complete the required job registration as follows, in pertinent part:

2. Non-Voluntary Quit Penalties

A non-WV WORKS recipient who refuses or fails to register with BEP, 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 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 for some reason other than UCI-related activities.

- 6) The Claimant testified that she only discovered the reduction in her SNAP allotment when she used her December 2011 benefits. She testified that her address has not changed during the period in question, and that she received subsequent letters from the Department, including the scheduling order for this hearing. She testified that she has now completed the job registration, but had not by the deadline required by the Department because she did not receive notification.

VIII. CONCLUSIONS OF LAW:

- 1) SNAP policy requires work registration for recipients, and establishes penalties for failure to complete this required registration. The full duration of such a penalty must be completed, once applied, unless an exemption is met. There is no dispute that the Claimant does not meet any exemptions allowed by policy.
- 2) The Claimant's contention that she did not receive either notification of the work registration deadline or the penalty and SNAP reduction is unconvincing for two reasons. The Claimant reported receiving other notifications sent during a period in which she reported no address changes. The Department testimony indicated that the notices were sent, and that they were not received in returned mail.
- 3) With an unmet work registration requirement and no clear indication that this requirement was not notified, the Department was correct to implement a SNAP penalty against the Claimant, reducing her monthly SNAP allotment.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the action of the Department to reduce SNAP benefits to the Claimant due to a work registration penalty.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this _____ Day of January, 2012.

Todd Thornton
State Hearing Officer