



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
203 East Third Avenue
Williamson, WV 25661

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

April 23, 2015



RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-1470

Dear Ms. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

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.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Stephen M. Baisden
State Hearing Officer
Member, State Board of Review

Encl: Claimant's Recourse to Hearing Decision
Form IG-BR-29

cc: Sarah Pauley, Economic Service Worker

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

██████████,

Claimant,

v.

ACTION NO.: 15-BOR-1470

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' (WV DHHR) Common Chapters Manual. This fair hearing was convened on April 21, 2015, on an appeal filed March 4, 2015.

The matter before the Hearing Officer arises from the February 11, 2015 decision by the Respondent to discontinue the Claimant's receipt of SNAP benefits because she did not register with Workforce West Virginia.

At the hearing, the Respondent appeared by Representative Sarah Pauley, Economic Service Worker. The Claimant appeared *pro se*. The participants were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 WV DHHR Income Maintenance Manual (IMM), Chapter 13, §13.2
- D-2 Letter from Department to Claimant dated December 6, 2014
- D-3 Letter from Department to Claimant dated February 11, 2015

Claimant's Exhibits:

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) On December 6, 2014, the Department issued to the Claimant a letter (Exhibit D-2) informing her that SNAP policy required her to register with Workforce West Virginia (herein Workforce WV) within 30 days of the date her SNAP review/redetermination was approved. The letter read that the Claimant was required to register with Workforce WV by January 4, 2015. The letter continued that if the Claimant did not register by that date, but registered before the end of the month, she must notify her local DHHR office.
- 2) The December 6 letter (Exhibit D-2) stated that the Claimant had to contact her local DHHR office if she were unable to work. The letter read as follows:

Reasons for exemption from [the Workforce WV registration] requirement are as follows:

Receiving SSI	Receiving minimum earnings equal to
Physical or mental inability to work	30 hours per week
Employed 30 hours per week	Receiving Unemployment
In a drug or alcohol treatment program	Compensation
Enrolled in school/training	Caring for a child under age 6
at least ½ time	Caring for an incapacitated person

- 3) On February 11, 2015, the Department sent the Claimant another letter (Exhibit D-3), informing her that a SNAP work requirement penalty had been applied to her benefits for failure to register with Workforce WV. The letter informed her that she would remain ineligible for SNAP for twelve months or until she complied with the registration requirement, whichever is longer.
- 4) The Claimant testified that she received the December 6 letter (Exhibit D-2) but she did not register because she did not think the requirement to do so applied to her. She testified that she was enrolled in a drug treatment program and she was applying for Social Security – Disability benefits. She stated she went to her county DHHR office on either January 29 or January 30, 2015, to apply for the Low-Income Energy Assistance Program (LIEAP), and while there spoke with an eligibility worker about registering with Workforce WV. She stated she told the worker with whom she met about her potential exemptions to the registration requirement and the worker told her that she should register with Workforce WV anyway, “just in case.” She stated she did so over the weekend, but when she returned to the DHHR office with verification that she registered, a worker informed her that her SNAP benefits would be penalized because she did not register before February 1, 2015.
- 5) The Department’s representative testified that the Department did not receive any information or documentation to indicate the Claimant was in a drug or alcohol rehabilitation program, or that she had applied for Social Security – Disability.

APPLICABLE POLICY

WV IMM Chapter 13, §13.5.A.1 reads as follows in part:

All mandatory individuals must register for employment with Workforce West Virginia within 30 days of the date of the original approval, unless exempt . . . Recipients must register every 12 months thereafter, regardless of the length of time that Workforce West Virginia considers the registration valid . . .

WV IMM Chapter 13, §13.2.A.2 reads as follows in part:

The following SNAP recipients are exempt from the SNAP work requirements and are not subject to a SNAP penalty for failure to comply:

. . .

- Individuals who are physically or mentally unfit to engage in full-time employment.
- Regular participants in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or non-resident basis.

WV IMM Chapter 13, §13.6.A.2 reads as follows in part:

A . . . recipient who refuses or fails to register with Workforce WV, 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. First violation: the individual is removed from the [SNAP assistance group] for at least 3 months or until he meets an exemption, whichever is later.

DISCUSSION

The Claimant was required by SNAP policy to register with Workforce WV, unless she met certain exemptions, among which were an exemption for individuals who were physically or mentally unable to work and an exemption for individuals who were in a drug or alcohol addiction treatment program. The Claimant's testimony indicates she met the drug and alcohol treatment program exemption, and reported this information to an eligibility worker at her county DHHR office on either January 29 or January 30, 2015.

The Department's representative did not contest that the Claimant had been at the DHHR office on January 29 or January 30. The Department's representative did not provide any documentation of this meeting, such as case recordings made in the Claimant's SNAP case record. In the absence of this documentation, credible testimony provided by the Claimant held that she reported her exemption for registering with Workforce WV prior to the imposition of the penalty. Although she did not obtain verification of her exemption, credible testimony further held that an eligibility worker did not direct her to do so.

CONCLUSIONS OF LAW

The Department did not provide documentation to support its decision to apply a work registration sanction on the Claimant's SNAP benefits because she failed to register with Workforce WV, pursuant to WV IMM §13.2.A.2.

DECISION

It is the decision of the state Hearing Officer to **reverse** the Department's decision to penalize the Claimant's SNAP benefits for failure to register with Workforce WV.

ENTERED this 23rd Day of April, 2015.

Stephen M. Baisden
State Hearing Officer