



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

April 17, 2015



RE: [REDACTED] v. WVDHHR
ACTION NO.: 15-BOR-1560

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Angela Jennings, WVDHHR

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

██████████,

Claimant,

v.

Action Numbers: 15-BOR-1560

**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' Common Chapters Manual. This fair hearing was convened on April 15, 2015, on an appeal filed March 13, 2015.

The matter before the Hearing Officer arises from the February 9, 2015 decision by the Respondent to terminate Supplemental Nutrition Assistance Program (SNAP) benefits effective March 2015.

At the hearing, the Respondent appeared by Angela Jennings, Family Support Supervisor, WVDHHR. The Claimant appeared pro se. Appearing as a witness for the Claimant was her sister, ██████████. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 West Virginia Income Maintenance Manual Chapters 13.2.A, 13.5 and 13.6
- D-2 Notice of Decision dated January 2, 2015 (requesting WorkForce West Virginia registration)
- D-3 Notice of Decision dated February 9, 2015 (regarding SNAP sanction)
- D-4 Case Comments from Department's computer system for the period of October 24, 2014 to March 17, 2015

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) The Claimant was a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits and was notified by the Department on February 9, 2015 (D-3) that a sanction would be applied to her SNAP benefits, based on her failure to register with WorkForce West Virginia/West Virginia Bureau of Employment Programs (BEP). As a result of the sanction, the Claimant's SNAP case closed effective March 2015.
- 2) Angela Jennings, Family Support Supervisor (FSS) with the Respondent, testified that the Department sent the Claimant a letter (D-2) on January 2, 2015, requesting that she register with WorkForce West Virginia by January 30, 2015, in accordance with policy that requires her to register with the agency once per year.
- 3) FSS Jennings provided Exhibit D-4, Case Comments from the Department's computer system, which indicate that the Claimant telephoned the Department on or about February 18, 2015, and left a voice mail message stating that she was in a [REDACTED], hospital and had been hospitalized for a few weeks. The worker attempted to call the Claimant, but could not reach her. Case Comments dated February 24, 2015 indicate that the Claimant left another voice mail message for the Department, stating that she was still hospitalized. At that time, the worker spoke with the Claimant, advising her that her physician could fax the Department a statement as proof of her inability to work in lieu of the WorkForce West Virginia registration. As no physician's statement was provided to the Department by February 28, 2015, the sanction stood.
- 4) The Claimant and her sister, [REDACTED], testified that the Claimant was hospitalized from late January 2015 to March 7, 2015. The Claimant's sister indicated that the Claimant had a brain tumor, lapsed into a coma and had been on life support during her hospitalization. The Claimant testified that she neither remembers talking with the worker about the physician's statement, nor recalls several things from the time of her hospitalization.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 13.5.A (D-1) states that all mandatory SNAP recipients must register for employment every 12 months, regardless of the length of time that WorkForce West Virginia considers the registration valid. Chapter 13.6 of the Manual indicates that a SNAP penalty is imposed when individuals do not comply with a work requirement and do not have good cause.

West Virginia Income Maintenance Manual Chapter 1.2.E states that the client's responsibility is to provide information about his circumstances so the worker is able to make a correct decision

about his eligibility. When the client is not able to provide the required verification, the worker must assist him.

West Virginia Income Maintenance Manual Chapter 2.2.D.6 states that when a change is reported that results in a change in an individual's SNAP work requirements, the worker must ensure on an ongoing basis that the status of each recipient, mandatory or exempt, is correct in RAPIDS.

DISCUSSION

Policy states that when a change is reported that affects an individual's SNAP work requirements, the worker must ensure on an ongoing basis that the status of each recipient, mandatory or exempt, is correct. If a client is unable to provide required verification so that the worker can make a correct decision about his/her eligibility, the worker must provide assistance.

The Claimant was hospitalized for several weeks with a brain tumor during the period in which she was asked to provide verification of WorkForce West Virginia registration to the Department. Testimony reveals that the Claimant spent some of her hospitalization in a coma and on life support. The Claimant contacted the Department about her situation in February 2015, but did not provide a physician's statement concerning her condition for exemption from work program registration. The Claimant testified that she does not remember the conversation with the DHHR worker concerning the physician's statement – and due to the nature of her medical condition – this contention is reasonable. As the Department was aware of the Claimant's health condition and her extended hospital stay prior to March 2015 – and the Claimant received no assistance in attempting to secure verification of her inability to work - the Department's decision to apply a work sanction to her SNAP benefits cannot be affirmed.

CONCLUSIONS OF LAW

The Department's decision to apply a work penalty to the Claimant's SNAP benefits cannot be affirmed.

DECISION

It is the decision of the State Hearing Officer to REVERSE the Department's action to terminate SNAP benefits effective March 2015.

ENTERED this 17th Day of April 2015.

**Pamela L. Hinzman
State Hearing Officer**

