



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
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Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

May 6, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-1638

Dear Mr. [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,

Donna L. Toler
State Hearing Officer
Member, State Board of Review

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

cc: Tera Pendleton, Economic Service Worker

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

██████████,

Claimant,

v.

Action Number: 15-BOR-1638

**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 May 5, 2015, on an appeal filed March 10, 2015.

The matter before the Hearing Officer arises from the February 13, 2015 decision by the Respondent to impose a sanction against the Claimant for failure to register with WorkForce West Virginia resulting in termination of the Claimant's SNAP benefits.

At the hearing, the Respondent appeared by Tera Pendleton, Economic Service Worker. The Claimant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Case Comments computer screen print, dated September 11, 2014 through April 29, 2015
- D-2 Correspondence from DHHR ██████████ to the Claimant, dated September 16, 2014
- D-3 Form PRC2, date-stamped received February 2, 2015
- D-4 SNAP Work Requirement Penalty Request computer screen print, penalty begin date March 2015
- D-5 Notice of Decision, dated February 13, 2015
- D-6 Correspondence from DHHR ██████████ to the Claimant, dated February 13, 2015
- D-7 West Virginia Income Maintenance Manual Policy §13.6 (excerpt)
- D-8 Case Benefit Summary computer screen print, dated September 2014 through May 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) The Claimant is a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits in a one-person Assistance Group. As a part of the conditions for eligibility, he is subject to a work requirement and required to register with WorkForce West Virginia (WorkForce) or meet an exemption. (Exhibit D-8)
- 2) The Department contended the Claimant failed to register with WorkForce or meet an exemption, and therefore was subject to a work requirement penalty. The penalty began on March 1, 2015, and was scheduled to continue for a period of no less than three months. (Exhibits D-4 and D-7)
- 3) The Department's representative testified that the penalty was removed in April 2015 pending a hearing decision in the matter, and SNAP benefits were issued for the months of April and May 2015. (Exhibit D-8).
- 4) On September 16, 2014, the Department mailed the Claimant a Notice of Decision that he was required to register with WorkForce or meet an exemption prior to October 15, 2014. (Exhibit D-2)
- 5) On or about February 2, 2015, the Claimant returned Form PRC2, a SNAP redetermination form, which was processed by the Department on February 12, 2015. The Department's representative stated when a Department worker entered the Claimant's redetermination form into the computer system, it was discovered that the Claimant had not registered with WorkForce and a sanction was imposed. (Exhibits D-1 and D-3)
- 6) On February 13, 2015, a Notice of Decision was mailed to the Claimant notifying him that because he had failed to register with WorkForce, a work requirement penalty was imposed for a period of "3 months or until compliance, whichever is longer". (Exhibit D-5)
- 7) On February 13, 2015, the Department mailed the Claimant a second letter notifying him that his SNAP benefits were being terminated effective March 1, 2015, because he "failed to register with WorkForce West Virginia". (Exhibit D-6)

- 8) The Claimant reported that he thought he had completed the registration process in October 2014 and then again in February 2015. The Claimant stated he logged into the WorkForce website, but due to an oversight on his part he did not complete the registration process to activate his status. The Claimant testified that on March 9, 2015, he spoke with a worker at the Department's Customer Service Center who explained that although he may have logged into WorkForce, he did not click on the radio button which would have activated his status. As a result, his registration was not complete with WorkForce. The Claimant completed his registration with WorkForce on March 9, 2015. The Claimant testified that it was his hope that there was an exception to policy that would permit him to establish good cause to have the work requirement penalty removed from his case.
- 9) The Department's representative stated that although the Claimant did register on March 9, 2015, the Department was unable to remove the sanction because it had already been applied, effective March 1, 2015.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WV IMM) §13.2 mandates that all SNAP recipients be subject to a work requirement, unless exempt.

WV IMM §13.5.A.1 specifies that in order to fulfill the SNAP work requirement, all mandatory individuals must register for employment with WorkForce West Virginia, within 30 days of the date of the original approval, unless otherwise exempt according to Section 13.2. Recipients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid. Actions which constitute a registration are defined by WorkForce West Virginia.

WV IMM §13.6 outlines penalties for violations of the work requirement. The penalty for a first violation requires that the individual be removed from the Assistance Group for at least three (3) months or until he/she meets an exemption, whichever is later. If after three (3) months, the individual has not complied or met an exemption, the penalty continues until the failure or refusal to comply stops, or until the individual reports a change that makes him/her exempt according to §13.2 for some reason other than UCI-related activities. A one-person Assistance Group must reapply to establish eligibility.

DISCUSSION

Policy requires a penalty be applied when an individual fails to register with WorkForce by the prescribed deadline. The Claimant was notified that he was required to register by October 15, 2014, and failed to do so. As a result, a penalty was imposed and began on March 1, 2015. Although the Claimant completed registration on March 9, 2015, the sanction had already been applied effective March 1, 2015. Policy does not permit the removal of the sanction once the penalty period has begun.

The Claimant did not receive benefits in the month of March 2015 as a result of the work requirement penalty. However, benefits were issued for the months of April and May 2015. Because the Claimant has served one month of the work requirement penalty, he must serve the remaining two months of the penalty, unless he meets an exemption. Because the Claimant is a one-person Assistance Group he must reapply to establish eligibility once the penalty has been served.

CONCLUSIONS OF LAW

- 1) Evidence submitted in this case reveals that the Claimant failed to register with WorkForce West Virginia, or that he met an exemption from the registration requirement, on or before March 1, 2015, as required by policy.
- 2) Pursuant to policy contained in WV IMM §13.6, the Claimant is subject to a three (3) month SNAP penalty, which began on March 1, 2015. The Claimant has served one month of the work requirement penalty.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Department's decision to apply a work requirement penalty and terminate the Claimant's SNAP benefits for a period of three months.

ENTERED this ____ Day of May 2015.

Donna L. Toler
State Hearing Officer