



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

June 10, 2015



RE: [REDACTED] v. WVDHHR
ACTION NO.: 15-BOR-1999

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: Brenda Casto, WVDHHR

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

██████████,

Appellant,

v.

Action Numbers: 15-BOR-1999

**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 June 4, 2015, on an appeal filed May 7, 2015.

The matter before the Hearing Officer arises from the April 2, 2015 decision by the Respondent to terminate Supplemental Nutrition Assistance Program (SNAP) benefits effective May 2015.

At the hearing, the Respondent appeared by Brenda Casto, Economic Service Worker, WVDHHR. The Appellant appeared pro se. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Case Comments from Department's computer system
- D-2 Notice of Decision dated February 5, 2015 (requiring WorkForce West Virginia registration)
- D-3 Notice of Decision dated April 2, 2015 (regarding SNAP sanction) and Notice of Decision dated April 2, 2015 (termination notice)
- D-4 None
- D-5 WorkForce West Virginia verification
- D-6 West Virginia Income Maintenance Manual Chapters 13.5 and 13.6

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 Appellant was a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits and was notified by the Department on April 2, 2015 (D-3) that her SNAP benefits would stop effective May 2015, based on her failure to register with WorkForce West Virginia/West Virginia Bureau of Employment Programs (BEP).
- 2) Brenda Casto, Economic Service Worker (ESW) with the Respondent, testified that the Department sent the Appellant a letter (D-2) on February 5, 2015, requesting that she register with WorkForce West Virginia by March 6, 2015, in accordance with policy that requires her to register with the agency once per year.
- 3) ESW Casto testified that the Appellant failed to register with WorkForce West Virginia and a six-month sanction (second penalty) was imposed on her SNAP benefits effective May 2015. She indicated that the Appellant later registered with WorkForce West Virginia on May 4, 2015 (D-5); however, the sanction was already in place and could not be lifted. ESW Casto testified that she consequently reviewed the case and determined that the Appellant should only be in her first BEP sanction; therefore, the penalty period has been lowered to three (3) months.
- 4) The Appellant testified that she contacted ESW Casto prior to implementation of the penalty and believed the issue had been resolved. She indicated that she registered with WorkForce West Virginia in February 2015, but the information was recorded incorrectly by a WorkForce employee. ESW Casto responded that she had no record of the Appellant's telephone call, and that the Department could review the case if a WorkForce West Virginia representative indicates that an error was made in recording the date of the Appellant's BEP registration.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 13.6.A.2 (D-6) states that a non-WV WORKS recipient who refuses or fails to register with WorkForce West Virginia, 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. For a first violation, the individual is removed from the SNAP Assistance Group for at least three months or until he meets an exemption, whichever is later. Chapter 13.5.A of the Manual (D-6) 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. If the worker

discovers that the individual registered any time before the end of the month in which the adverse notice expires, the penalty is not imposed and any lost benefits are restored.

DISCUSSION

The Department sent the Appellant a letter on February 5, 2015, informing her that her SNAP benefits would be terminated if she failed to register with WorkForce West Virginia by March 6, 2015. While the Appellant contends that she registered with WorkForce West Virginia in February 2015, there is no documentation to support her claim. Documentation indicates that the Appellant did not register with WorkForce West Virginia until May 4 2015, after the work penalty was already in place. Therefore, the Department acted correctly in applying a three-month sanction to her SNAP case.

CONCLUSIONS OF LAW

The Department acted correctly in terminating the Appellant's SNAP benefits effective May 2015.

DECISION

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

ENTERED this 10th Day of June 2015.

**Pamela L. Hinzman
State Hearing Officer**