



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

June 24, 2015



RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-2054

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,

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

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

cc: Carla Addair, Economic Service Supervisor

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

██████████,

Appellant,

v.

ACTION NO.: 15-BOR-2054

**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 June 23, 2015, on an appeal filed May 12, 2015.

The matter before the Hearing Officer arises from the March 20, 2015 decision by the Respondent to discontinue the Appellant's receipt of SNAP benefits because he did not register with Workforce West Virginia.

At the hearing, the Respondent appeared by Representative Carla Addair, Economic Service Supervisor. The Appellant appeared *pro se*. The participants were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Letter from Department to Appellant dated January 23, 2015
- D-2 Letter from Department to Appellant dated March 20, 2015
- D-3 Second letter from Department to Appellant dated March 20, 2015
- D-4 WV DHHR Income Maintenance Manual (IMM), Chapter 13, §13.5

Appellant'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 January 23, 2015, the Department issued to the Appellant a letter (Exhibit D-1) informing him that SNAP policy required him to register with Workforce West Virginia (herein Workforce WV) within 30 days of the date his SNAP review/redetermination was approved. The letter read that the Appellant was required to register with Workforce WV by February 21, 2015.
- 2) The January 23 letter (Exhibit D-1) stated that the Appellant had to contact his local DHHR office if he 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) The Appellant did not register with Workforce WV and did not provide documentation to verify that he met one or more of the exemptions listed above.
- 4) On March 20, 2015, the Department sent the Appellant another letter (Exhibit D-2), informing him that a SNAP work requirement penalty had been applied to his benefits for failure to register with Workforce WV. The letter informed him that he would remain ineligible for SNAP for three months or until he complied with the registration requirement, whichever is longer.
- 5) The Appellant was the only person in his SNAP assistance group (AG). As such, the imposition of the sanction for failing to register with Workforce WV closed the Appellant's SNAP case for three months, from May 2015 through July 2015.

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 lists exemptions to the Bureau of Employment Programs registration requirement of SNAP. They are: 1) a person under age 16; 2) a person age 16 or 17 who is not the primary person or payee of the assistance group (AG); 3) a person who is 16 or 17 who is attending school or enrolled in an employment training program on at least a half-time basis; 4) a person enrolled at least half-time in any recognized school, training program or institution of higher education; 5) a person age 60 or older; 6) a parent or other member of the AG who has the responsibility for the care of a child under six years old; 7) individuals who receive unemployment compensation; 8) individuals who are physically or mentally unfit to engage in full-time employment; 9) regular participants in drug addiction or alcoholic treatment and rehabilitation programs; 10) individuals who are employed or self-employed and working a minimum of 30 hours per week or receiving weekly earnings equal to the federal minimum wage multiplied by 30 hours; 11) individuals who receive WV WORKS and do not meet any of the other SNAP exemptions listed above, so long as they are subject to and complying with a WV WORKS work requirement.

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 Appellant acknowledged that he did not register with Workforce WV before the deadline date of February 21, 2015. He stated that during this period of time, he helped to take care of his ailing father, who eventually died after a lengthy illness. He stated that he is working with a lawyer to obtain Social Security and/or Supplemental Security Income, but he has not been approved as yet. He added that since February 21, 2015, he has registered with Workforce WV.

The Department's representative testified that the Department imposed the penalty for not registering with Workforce WV against the Appellant on March 20, 2015. However, she stated, March 20 was too late in the month to begin the penalty period in April. The penalty did not take effect until May 2015 and will end in July 2015.

CONCLUSION OF LAW

The Appellant did not dispute that he did not register with Workforce WV by February 21, 2015. He did not provide documentation to the Department that he met an exemption listed in WV IMM §13.2.A.2. The Department acted correctly to impose a work registration sanction on the

Appellant's SNAP benefits because he failed to register with Workforce WV, pursuant to WV IMM §§13.6.A.2 and 13.5.A.1.

DECISION

It is the decision of the state Hearing Officer to **uphold** the Department's decision to discontinue the Appellant's receipt of SNAP benefits because he did not register with Workforce WV.

ENTERED this 24th Day of June, 2015.

**Stephen M. Baisden
State Hearing Officer**