



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
1400 Virginia Street
Oak Hill, WV 25901

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

August 19, 2015



RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-2515

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,

Kristi Logan
State Hearing Officer
Member, State Board of Review

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

cc: Travis Hart, [REDACTED] DHHR

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

[REDACTED]

Appellant,

v.

Action Number: 15-BOR-2515

**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 [REDACTED]. 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 August 19, 2015, on an appeal filed July 8, 2015.

The matter before the Hearing Officer arises from the June 3, 2015, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Travis Hart, Economic Service Supervisor. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Department's Summary
- D-2 West Virginia Income Maintenance Manual §13.2A
- D-3 WorkForce WV Registration Letter dated April 3, 2015
- D-4 Notice of Decision dated June 3, 2015
- D-5 Case Comments from October 2014-July 2015
- D-6 Paystubs from [REDACTED] Drive-In

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 completed a SNAP review (D-5) on March 23, 2015. Verification of his earned income was received by the Department on April 2, 2015.
- 2) The Appellant's paystubs (D-6) indicated that he was working approximately 24 hours weekly.
- 3) The Department issued a WorkForce West Virginia Registration letter (D-3) on April 3, 2015, requesting that the Appellant register with job service by May 2, 2015.
- 4) The Department placed a penalty (D-4) against the Appellant's SNAP benefits on June 2, 2015, when it was verified that he had not registered with job service. The Appellant is the only member of his Assistance Group (AG).
- 5) The Appellant registered with job service (D-5) on July 7, 2015.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §13.2(A)(2) states that individuals working at least 30 hours a week are exempt from registration with WorkForce West Virginia.

West Virginia Income Maintenance Manual §13.6(A)(2) states that an individual who fails to register with WorkForce West Virginia 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 AG for at least 3 months or until he meets an exemption, whichever is later. If after 3 months, the individual has not complied or met an exemption, the penalty continues until the failure or refusal stops, or until the individual reports a change that makes him exempt.
- Second violation: The individual is removed from the AG for at least an additional 6 months or until he meets an exemption, whichever is later. If after the 6 months, the individual has not complied or met an exemption, the penalty continues until the failure or refusal ceases, or until the individual reports a change that makes him exempt.
- Third and subsequent violations: The individual is removed from the AG for at least an additional 12 months or until he meets an exemption, whichever is later. If after the 12 months, the individual has not complied or met an exemption, the penalty continues until the failure or refusal ceases, or until the individual reports a change that makes him exempt.

DISCUSSION

The Appellant was not working a minimum of 30 hours per week, nor did he meet any other exemption from registration with WorkForce West Virginia. Although the Appellant registered subsequent to the imposition of the SNAP penalty, the penalty must remain in effect for the minimum penalty period of 3 months.

CONCLUSION OF LAW

Whereas the Appellant failed to register with WorkForce West Virginia prior to the imposition of the SNAP penalty as required by policy, the Department correctly terminated his SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's termination of the Appellant's Supplemental Nutrition Assistance Program benefits.

ENTERED this 19th day of August 2015

Kristi Logan
State Hearing Officer