



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

September 2, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-2540

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**

██████████,

Appellant,

v.

Action Number: 15-BOR-2540

**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 September 1, 2015, on an appeal filed July 10, 2015.

The matter before the Hearing Officer arises from the June 10, 2015, decision by the Respondent to terminate Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Travis Hart, Economic Service Supervisor. Appearing as a witness for the Respondent was Barbara Price, 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 WorkForce West Virginia Registration Notice dated March 2, 2015
- D-3 Notice of Decision dated May 28, 2015
- D-4 Case Comments from December 2014-August 2015
- D-5 West Virginia Income Maintenance Manual §13.2A
- D-6 West Virginia Income Maintenance Manual §13.5

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 SNAP benefits. He is the only member in his Assistance Group (AG).
- 2) The Department sent the Appellant a WorkForce West Virginia Registration Notice (D-2) on March 2, 2015, requesting that he register with job service by March 31, 2015.
- 3) The Department placed a SNAP penalty (D-3) against the Appellant on May 27, 2015, when it was determined that he had failed to register with WorkForce West Virginia.
- 4) This was the first SNAP penalty incurred by the Appellant. The SNAP penalty period was July 2015-September 2015.
- 5) The Appellant registered with WorkForce West Virginia (D-4) on July 7, 2015, subsequent to the imposition of the SNAP penalty.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §13.2(A)(2) states that individuals are required to register with WorkForce West Virginia as a condition of eligibility for SNAP benefits unless one of the following exemptions is met.

- A person under age 16.
- A person age 16 or 17 who is not the SNAP payee or eRAPIDS primary person.
- A person age 16 or 17 who is attending school or enrolled in an employment training program on at least a half-time basis.
- A person enrolled at least half-time in any recognized school, recognized training program, or institution of higher education.
- A person age 60 or over.
- A parent, or other member of the AG who has the responsibility for the care of a child under the age of 6, or of an incapacitated and/or disabled individual.
- Individuals receiving Unemployment Compensation Income, as a result of registering with WorkForce West Virginia.
- Individuals who are physically or mentally unfit to engage in full-time employment.
- Regular participants in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or non-resident basis.
- 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.
- 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.

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 contended that he was unaware that he needed to register with job service until July 2015, when he failed to receive his monthly SNAP allotment. The Appellant stated his worker did not notify him of the requirement during his last redetermination and he did not receive the March 2015 letter requesting that he register. Once he was aware of the requirement, he registered with job service.

CONCLUSIONS OF LAW

The Appellant was required to register with WorkForce West Virginia as he does not meet any of the exemptions from this requirement as found in policy.

The Appellant registered with WorkForce West Virginia after the SNAP penalty went into effect, however, he is ineligible for SNAP benefits for the minimum penalty period of three (3) months.

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 2nd day of September 2015

**Kristi Logan
State Hearing Officer**