



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
P.O. Box 1247
Martinsburg, WV 25402**

**Earl Ray Tomblin
Governor**

**Karen L. Bowling
Cabinet Secretary**

October 7, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-2871

Dear [REDACTED] and [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,

Lori Woodward
State Hearing Officer
Member, State Board of Review

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

cc: Toniue Dyer, WV DHHR

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

██████████ AND ██████████,

Appellant,

v.

ACTION NO: 15-BOR-2871

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 ██████████ and ██████████. 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 29, 2015, on an appeal filed August 17, 2015.

The matter before the Hearing Officer arises from the June 16, 2015 decision by the Respondent to reduce the Appellants' Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Toniue Dyer, Family Support Service Supervisor. The Appellants appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Notice (CMOB) of registration for work with WorkForce West Virginia requirement, dated May 18, 2015
- D-2 Notice (AEO6) of work requirement penalty applied to ██████████, dated June 16, 2015
- D-3 Notice (AEO6) of work requirement penalty applied to ██████████, dated June 16, 2015
- D-4 Notice Eligibility Summary, dated June 16, 2015
- D-5 WV Income Maintenance Manual (IMM) §13.5 (excerpt)

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 May 18, 2015, the Respondent issued to the Appellant a notice informing her that she and [REDACTED] were required to register with WorkForce West Virginia (Workforce) by June 14, 2015. The letter informed the Appellant that if they did not register by that date, but registered before the end of the month, she must notify her local DHHR office. (Exhibit D-1)
- 2) On June 15, 2015, the Respondent confirmed with electronic data received from Workforce that the Appellants had failed to register with Workforce. A work penalty was applied to both Appellants with notice being sent on June 16, 2015. (Exhibits D-2 and D-3)
- 3) The Appellants registered with WorkForce on July 24, 2015.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WV IMM) §13.5.A.1, requires that all mandatory individuals register for employment with Workforce West Virginia within 30 days of the date of the original approval, unless exempt. Recipients are required to register every 12 months thereafter, regardless of the length of time that Workforce West Virginia considers the registration valid.

WV IMM §13.6.A.2, outlines SNAP work requirement penalties. Recipients who refuse or fail to register with Workforce West Virginia are 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 Appellants acknowledged that they did not register with Workforce before the deadline date of June 14, 2015, or prior to the implementation of the sanction. The Appellants did, however, register on July 24, 2015. They did not contend that they met a work requirement exemption. The Department acted correctly in applying a work penalty to both the Appellants.

CONCLUSION OF LAW

Whereas, the Appellants failed to register with WorkForce by the end of June 2015, and there was no evidence that the Appellants met an exemption, the Department acted correctly in applying a work penalty to both Appellants.

DECISION

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

ENTERED this 7th day of October, 2015.

Lori Woodward, State Hearing Officer