



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

January 28, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 14-BOR-3912

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,

Lori Woodward
State Hearing Officer
Member, State Board of Review

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

cc: Peter VanKleeck

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

██████████,

Claimant,

v.

Action Number: 14-BOR-3912

**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 January 22, 2015, on an appeal filed December 23, 2014.

The matter before the Hearing Officer arises from the October 27, 2014 decision by the Respondent to close Claimant's Supplemental Nutrition Assistance Program (SNAP) benefits.

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

Department's Exhibits:

- D-1 Summary
- D-2 Notification letter (CMOB), dated September 20, 2014
- D-3 Notification letter (AE06), dated October 25, 2014
- D-4 Notification letter (EDC1), dated October 27, 2014
- D-5 Computer screen print WorkForce West Virginia Activity Status

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 Claimant was a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits and was notified by the Department on October 27, 2014 that his SNAP benefits would stop effective December 2014, based on his failure to register with WorkForce West Virginia/West Virginia Bureau of Employment Programs (WorkForce). (Exhibit D-4)
- 2) The Department sent the Claimant a letter on September 20, 2014, requesting that he register with WorkForce by October 20, 2014, in accordance with policy. (Exhibit D-2)
- 3) Because the Claimant failed to register with WorkForce, a three (3) month sanction was imposed on his SNAP benefits effective December 2014. (Exhibits D-3 and D-5)
- 4) The Claimant acknowledged that he had not registered with WorkForce. He testified that he did not receive the September 20, 2014 notice to register (Exhibit D-2) and, therefore, was unaware of this requirement. The Claimant testified that he received the October 25, 2014 notice of sanction (Exhibit D-3) sometime in early November, and that he attempted to contact the local office sometime at the end of December or early in January.
- 5) The Claimant did not assert he met an exemption to the SNAP work requirement.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §13.2 requires SNAP recipients be subject to a work requirement, unless exempt.

West Virginia Income Maintenance Manual §13.6 outlines penalties for violations of the work requirement. The penalty for a first violation requires that the individual be removed from the Assistance Group for at least three (3) months or until he/she meets an exemption, whichever is later. If after three (3) months, the individual has not complied or met an exemption, the penalty continues until the failure or refusal to comply stops, or until the individual reports a change that makes him/her exempt according to §13.2 for some reason other than UCI (Unemployment Compensation Insurance) related activities.

DISCUSSION

Policy requires recipients of the SNAP benefits to be subject to a work requirement unless exempt. The Claimant failed to register with Workforce by October 20, 2014, as required by the Department. He did not assert that he is exempt from the work requirement; rather, he argued that he was unaware of the work requirement as he did not receive notice. However, he did acknowledge that he received notice of the imposition of the work penalty to begin December 2014. The Claimant did not attempt to contact the Department until after the imposition of the work penalty -- sometime late in December or possibly early January. Once a work penalty is

imposed, the penalty continues for at least three (3) months or until the failure to comply stops or until an exemption is met. The Department has correctly applied a three (3) month sanction to the Claimant's SNAP benefits.

CONCLUSIONS OF LAW

1. The Claimant failed to register with WorkForce by October 20, 2014, or meet an exemption, as required by policy.
2. The Department acted correctly in applying a three (3) month work penalty against the Claimant's SNAP benefits effective December 2014, thereby closing those benefits.

DECISION

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

ENTERED this 28th day of January 2015.

Lori Woodward, State Hearing Officer