



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

July 28, 2016



RE: [REDACTED] v. WV DHHR
ACTION NO.: 16-BOR-2087

Dear Ms. [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: Bobbie Beach, WV DHHR, [REDACTED] Office

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

██████████,

Appellant,

v.

ACTION NO.: 16-BOR-2087

**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 July 27, 2016, on an appeal filed June 7, 2016.

The matter before the Hearing Officer arises from the June 7, 2016 decision by the Respondent to reduce the amount of the Appellant's monthly SNAP issuance for six months because she and her son did not register with Workforce West Virginia (herein Workforce WV).

At the hearing, the Respondent appeared by Representative Bobbie Beach, Economic Service Worker. Appearing as a witness for the Department was Eugene Snyder, Economic Service Supervisor. The Appellant appeared *pro se*. Appearing as a witness for the Appellant was ██████████. All participants were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Letter from Department to Appellant dated April 6, 2016
- D-2 Letter from Department to Appellant dated May 9, 2016
- D-3 Second letter from Department to Appellant dated May 9, 2016
- D-4 Letter from Department to Appellant's son dated June 7, 2016
- D-5 Confirmation of Jobseeker Registration from Workforce WV, dated June 7, 2016
- D-6 WV DHHR Fair Hearing Request Form, dated June 7, 2016

Appellant's Exhibits:

- A-1 Letter from Department to Appellant dated May 9, 2016
- A-2 Letter from Department to Appellant's son dated June 7, 2016

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 April 6, 2016, the Department sent the Appellant a letter (Exhibit D-1) informing her that SNAP policy required her to register with Workforce WV within 30 days of the date her SNAP review/redetermination was approved. The letter read that the Appellant and her adult son who lived in the home were required to register with Workforce WV by May 5, 2016.
- 2) Neither the Appellant nor her son had registered with Workforce WV as of May 9, 2016. On May 9, 2016, the Department sent to the Appellant a letter (Exhibit D-3) informing her that a work requirement penalty had been imposed against her receipt of SNAP benefits because she and her son failed to register with Workforce WV by May 5, 2016.
- 3) The Department imposed a six-month penalty against the Appellant's receipt of SNAP benefits and a three-month sanction against her son's receipt of SNAP benefits, both penalties beginning June 1, 2016. She requested a fair hearing based on the imposition of penalties against her son and her for failing to register with Workforce WV.

APPLICABLE POLICY

WV Income Maintenance Manual (IMM) Chapter 4, §4.1 reads, "The primary responsibility for providing verification rests with the client."

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 [SNAP] approval, unless exempt.

A recipient who fails to register by the due date . . . is subject to a SNAP penalty. The penalty is not imposed and any lost benefits are restored if, before the end of the month in which the adverse notice expires, the following occurs:

- a. The client registers and
- b. The client notifies DHHR that he has registered. If the Worker independently discovers before the penalty goes into effect that the client has registered before the end of the month in which the adverse notice expires, the penalty may be lifted and benefits restored.

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 or she] meets an exemption, whichever is later. Second violation: the individual is removed from the [SNAP assistance group] for at least 6 months or until [he or she] meets an exemption, whichever is later.

DISCUSSION

SNAP policy required the Appellant and her adult son to register with Workforce WV, or establish that they were exempt from registration. The Department sent the Appellant a letter dated April 6, 2016 (Exhibit D-1) informing her that she and her son had to do so by May 5, 2016. They did not register.

The Appellant testified she did not receive notice from the Department that she was required to register with Workforce WV by May, 2016. She testified that her mother had asked her post office to stop placing the Appellant's mail in her post office box and did not inform her she had done this. She stated that her mail was returned by the post office to the WV DHHR, [REDACTED] Office.

The Appellant pointed out that the addresses of the April 6 letter (Exhibit D-1) and the two May 9 letters (Exhibits D-2 and D-3) were for a post office box in [REDACTED] WV, which was her mother's mail box. She submitted into evidence her copy of the May 9, 2016 letter (Exhibit A-1) which included a postal return sticker indicating it was not delivered.

However, the May, 2016 letter (Exhibit A-1) was not the letter indicating the Appellant and her son were required to register with Workforce WV. This was the letter which informed the Appellant that the Department was imposing a penalty. The Appellant did not provide evidence to verify the exact or the approximate date her mother stopped allowing her to receive mail in her mail box.

The Appellant and her son registered with Workforce WV on June 7, 2016 (Exhibit D-5). Policy provides the lifting of a penalty for not registering if an individual registers "before the end of the month in which the adverse notice expires." The adverse notice expired at the end of May 2016.

Because the Appellant and her son did not register with Workforce WV between April 6 and May 31, 2016, the Department acted correctly to impose a penalty against the Appellant's receipt of SNAP benefits.

CONCLUSION OF LAW

The Appellant and her adult son did not register with Workforce WV between April 6 and May 5, 2016, as a requirement of their receipt of SNAP benefits, pursuant to WV IMM §13.5.A.1.

The Department acted correctly to impose a penalty against the Appellant's receipt of SNAP benefits for failing to register with Workforce WV, pursuant to WV IMM §13.6.A.2.

DECISION

It is the decision of the state Hearing Officer to **uphold** the Department's decision to penalize the Appellant's SNAP benefits for failure to register with Workforce WV.

ENTERED this 28th Day of July, 2016.

Stephen M. Baisden
State Hearing Officer