



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 14, 2016

[REDACTED]
[REDACTED]
[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 16-BOR-2496

Dear [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: Donna Lilly, Raleigh County DHHR

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

████████████████████,

Appellant,

v.

Action Number: 16-BOR-2496

**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 13, 2016, on an appeal filed August 11, 2016.

The matter before the Hearing Officer arises from the July 12, 2016, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Donna Lilly, Economic Service Worker. 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 Documentation of Verbal Hearing Request received August 11, 2016
- D-3 Hearing Request Notification
- D-4 Scheduling Order
- D-5 Notice of Decision dated July 12, 2016
- D-6 Notice of Work Requirement Penalty dated July 12, 2016
- D-7 Notice of Work Registration Requirement dated June 13, 2016
- D-8 Case Comments from April 2016-August 2016
- D-9 West Virginia Income Maintenance Manual §§13.5 and 13.6

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 an active recipient of Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) The Appellant was notified (D-7) on June 13, 2016, that she was required to register with WorkForce West Virginia by July 10, 2016, as a condition of eligibility for SNAP benefits.
- 3) A work registration penalty (D-6) was applied to the Appellant's SNAP benefits on July 11, 2016, when it was determined that she had not registered with WorkForce West Virginia.
- 4) The Appellant was the only member of her SNAP Assistance Group (AG) and the application of the penalty terminated (D-5) her SNAP benefits effective August 1, 2016.
- 5) The Appellant registered (D-8) with WorkForce West Virginia on August 10, 2016.

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 she had an online account with WorkForce West Virginia, and logged into her account to verify that her information had not changed since her last submission. The Appellant reported that she spoke with someone from the ██████ County District Office who suggested that she update her online account information to activate her registration. The Appellant testified that she thought her registration was active, until she received the penalty letter which prompted her to contact WorkForce West Virginia directly. The Appellant stated she discovered that her account was active, but that she was not currently registered.

Policy requires work registration with WorkForce West Virginia as a condition of eligibility for SNAP benefits. The Appellant failed to register prior to the effective date of the work penalty, and therefore must serve the minimum penalty period of three (3) months.

CONCLUSIONS OF LAW

- 1) The Appellant was required by policy to register with WorkForce West Virginia to continue receiving SNAP benefits.
- 2) The Appellant failed to register until after the effective date of the work penalty.

- 3) The Appellant must serve the minimum penalty period of three (3) months.

DECISION

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

ENTERED this 14th day of September 2016

**Kristi Logan
State Hearing Officer**