



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

November 30, 2016

[REDACTED]
[REDACTED]
[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 16-BOR-2967

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,

Stephen M. Baisden
State Hearing Officer
Member, State Board of Review

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

cc: Trish Mullins, Economic Service Supervisor

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

██████████,

Appellant,

v.

ACTION NO.: 16-BOR-2967

**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 November 29, 2016, on an appeal filed November 4, 2016.

The matter before the Hearing Officer arises from the September 29, 2016 decision by the Respondent to apply a work requirement penalty, thereby closing the Appellant's receipt of Supplemental Nutrition Assistance Program (SNAP) benefits. This would be the Appellant's second work requirement penalty as a SNAP recipient.

At the hearing, the Respondent appeared by Representative Eugene Snyder, Economic Service Supervisor. The Appellant appeared *pro se*. The participants were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Letter from Department to Appellant dated August 19, 2016
- D-2 Case recordings from Appellant's SNAP case record from November 30, 2015 to November 4, 2016
- D-3 Letter from Department to Appellant dated September 29, 2016
- D-4 Second letter from Department to Appellant dated September 29, 2016
- D-5 Screen print from Appellant's SNAP case record showing Workforce WV registration status

Appellant's Exhibits:

None

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 August 19, 2016, the Department sent the Appellant a letter (Exhibit D-1) informing him that SNAP policy required him to register with Workforce WV within 30 days of the date his SNAP review/redetermination was approved. The letter read that the Appellant was required to register with Workforce WV by September 17, 2016.
- 2) On September 28, 2016, a worker recorded in the Appellant's case record (Exhibit D-2) that he had not registered with Workforce WV and a sanction or penalty was being applied to his receipt of SNAP benefits, closing his benefits effective November 1, 2016.
- 3) On September 29, 2016, the Department sent the Appellant another letter (Exhibit D-3), informing him that a SNAP work requirement penalty had been applied to his benefits for failure to register with Workforce WV. The letter informed him that he would remain ineligible for SNAP for six months or until he complied with the registration requirement, whichever was longer.
- 4) The Department imposed a six-month work requirement penalty against the Appellant's receipt of SNAP benefits beginning November 1, 2016. He requested a fair hearing based on the imposition of a sanction for failing to register with Workforce WV.

APPLICABLE POLICY

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.

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

Policy requires that SNAP applicants register with Workforce WV within 30 days of benefit approval unless they meet an exemption listed in the WV Income Maintenance Manual, §13.2.A.2. By letter dated August 19, 2016 (Exhibit D-1), the Department notified the Appellant that he needed to register by September 17, 2016, in order to comply with SNAP policy. He did not register.

The Appellant testified that he stayed with his mother and step-father in [REDACTED] WV, for most of each month, because they have numerous health problems. He testified that he stayed with his mother and step-father whenever they needed him, rather than on some type of pre-arranged schedule such as weekdays in [REDACTED] and weekends in [REDACTED] County.

The Appellant testified that he did not recall receiving the letter requiring him to register with Workforce WV. He stated that on November 4, 2016, he went to the [REDACTED] County office of the WV DHHR to inquire about the imposition of the sanction. He stated a worker told him the sanction would stand because he could have registered with Workforce WV in [REDACTED] County and met the registration requirement. He stated he had not been informed he could have registered in another WV county.

It is the responsibility of the Appellant to arrange for secure and reliable mail delivery. Because he did not register with Workforce WV, the Department acted correctly to impose a six-month penalty against his receipt of SNAP benefits.

CONCLUSION OF LAW

The Appellant did not register with Workforce WV by September 17, 2016 as a requirement of his receipt of SNAP benefits, pursuant to WV IMM §13.5.A.1. This was his second penalty for not doing so. 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 apply a work requirement penalty and thereby close the Appellant's receipt of SNAP benefits for failure to register with Workforce WV.

ENTERED this 30th Day of November, 2016.

Stephen M. Baisden
State Hearing Officer