



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
2699 Park Avenue, Suite 100
Huntington, WV 25704

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

March 17, 2017



RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-1092

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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Gilda Bodrogi, Department Representative

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

██████████,

Appellant,

v.

Action Number: 17-BOR-1092

**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 February 2, 2017, on an appeal filed January 18, 2017.

The matter before the Hearing Officer arises from the Respondent's January 11, 2017 decision to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Gilda Bodrogi. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Screen print from the Respondent's data system summarizing notices to the Appellant
- D-2 Notice of WorkForce West Virginia registration deadline, dated September 2, 2016
- D-3 Screen print from the Respondent's data system showing the Appellant's monthly employment hours
- D-4 Screen print of WorkForce WV registration details regarding the Appellant from the Respondent's data system
- D-5 West Virginia Income Maintenance Manual (WVIMM), §§13.2; 13.5; 13.6
- D-6 Screen print of comments regarding the Appellant's case from the Respondent's data system
- D-7 Statement from the Appellant's employer
- D-8 Income verification for the Appellant

- D-9 Doctor's statement regarding the Appellant
- D-10 Letter from the Appellant's employer

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 a recipient of SNAP benefits.
- 2) The Respondent notified the Appellant on September 2, 2016 (Exhibit D-2) that she was required to register with WorkForce West Virginia by October 1, 2016.
- 3) The Appellant did not register with WorkForce West Virginia.
- 4) The Appellant did not establish sufficient work hours for an exemption from the registration requirement. (Exhibit D-4)
- 5) The Appellant did not establish any other exemptions from the registration requirement.
- 6) The Respondent notified the Appellant on January 11, 2017, of both the work requirement penalty and the resulting termination of her SNAP benefits. (Exhibit D-1)

APPLICABLE POLICY

The West Virginia Income Maintenance Manual (WVIMM), at §13.2, reads, "All SNAP recipients are subject to a work requirement, unless exempt."

WVIMM, §13.2.A.1, specifies the SNAP work requirements as follows, "Registration with WorkForce West Virginia. Details are in Section 13.5. Failure of an individual to register within the time limits found in Section 13.5, and each 12 months results in application of a penalty for not meeting the work requirement."

WVIMM, §13.6.A.2, specifies the penalties for failure to register with WorkForce West Virginia. A first violation results in at least a three-month removal of the individual from the SNAP assistance group, a second sanction results in at least a six-month removal of the individual, and a third or subsequent sanction results in at least a twelve-month removal of the individual. All of the penalties require their respective minimum sanctions to be served before an exemption or compliance with the work requirement can reestablish SNAP eligibility.

DISCUSSION

The Respondent terminated the Appellant's SNAP benefits due to a work requirement penalty resulting from her failure to register with WorkForce West Virginia. The Appellant requested this hearing to contest the Respondent's action.

The Respondent must show by a preponderance of the evidence that the Appellant failed to register with WorkForce West Virginia by the required deadline. The Respondent clearly established this in the hearing.

There was no dispute of the fact the Appellant failed to register with WorkForce West Virginia by the required deadline. The Respondent notified the Appellant that she must register by October 1, 2016, and the Appellant failed to do so.

The Appellant contended the Respondent should not be allowed to terminate her SNAP benefits because she did not receive the notice advising her of the registration requirement. The Appellant testified regarding a history of problems receiving her mail. There was no evidence indicating an address change or that the Respondent's notice had been returned by the postal service. The Respondent met its responsibility by mailing this notice. The Appellant is responsible for maintaining a secure address or correcting her problem with the postal service, particularly in light of the fact the Appellant has been aware of this ongoing problem for some time now.

The Respondent established it was correct to apply a work requirement penalty against the Appellant's SNAP case. There was no dispute of the size of the Appellant's SNAP assistance group, so the Respondent additionally established it was correct to terminate the Appellant's SNAP benefits by removing the Appellant from the assistance group based on this penalty.

CONCLUSION OF LAW

Because the Appellant failed to register with WorkForce West Virginia by the required deadline, the Respondent must apply a SNAP work requirement penalty resulting in the termination of her SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Respondent's termination of the Appellant's SNAP benefits.

ENTERED this ____ Day of March 2017.

Todd Thornton
State Hearing Officer