



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
203 East Third Avenue
Williamson, WV 25661

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

March 28, 2017



RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-1301

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: David J. Griffin, Economic Service Supervisor

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

██████████,

Appellant,

v.

ACTION NO.: 17-BOR-1301

**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 March 9, 2017, on an appeal filed February 21, 2017.

The matter before the Hearing Officer arises from the February 8, 2017 decision by the Respondent to apply a work requirement penalty, thereby closing the Appellant's receipt of Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Representative David J. Griffin, 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 January 4, 2017
- D-2 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 January 4, 2017, 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 was required to register with WorkForce WV by February 2, 2017.
- 2) The Appellant had not registered with WorkForce WV by February 7, 2017.
- 3) On February 8, 2017, the Department sent the Appellant another letter, informing her that a SNAP work requirement penalty had been applied to her benefits for failure to register with WorkForce WV. The letter informed her that she would remain ineligible for SNAP for three months or until she complied with the registration requirement, whichever was longer.
- 4) The Department imposed a three-month work requirement penalty against the Appellant's receipt of SNAP benefits beginning March 1, 2017. She requested a fair hearing based on the imposition of a sanction for failing to register with WorkForce WV.

APPLICABLE POLICY

WV Income Maintenance Manual (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, §13.2.A.2 lists the exemptions to the SNAP policy requirement that recipients must register with WorkForce WV. They are as follows:

- A person under age 16;
- A person age 16 or 17 who is not the SNAP payee or primary person in the case;
- A person age 16 or 17 who is attending school enrolled in an employment training program on at least a half-time basis;
- A person enrolled at least half-time in any recognized school, training program or institution of higher learning;
- A person age 60 or older;
- A parent or other member of the SNAP assistance group who has the primary responsibility for the care of a child under the age of six, or of an incapacitated and/or disabled individual;
- A person who receives UCI (Unemployment Compensation Income);
- A person who is mentally or physically unfit to engage in full-time employment (this includes SSI recipients);
- A regular participant in a drug addiction or alcohol treatment and rehabilitation program;

- An individual who is employed or self-employed and is working a minimum of 30 hours per week or receiving weekly earnings equivalent to the federal minimum wage multiplied by 30 hours;
- An individual who receives WV WORKS cash assistance and does not meet any of the other SNAP exemptions listed above, so long as he or she is subject to and complying with a WV WORKS work requirement.

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. By letter dated January 4, 2017 (Exhibit D-1), the Department notified the Appellant that she needed to register by February 2, 2017, in order to comply with SNAP policy. She did not register.

The Appellant testified that she did not register with WorkForce WV because she meets the policy exemption of “a person who is mentally or physically unfit to engage in full-time employment.” She testified that she has had an ongoing application for Supplemental Security Income (SSI) benefits since 2002. She stated that since then, she has updated her medical information with the DHHR as required. She stated that this year, she no longer has a primary care physician. She stated she has difficulty obtaining a new physician because she has a social anxiety disorder which causes her to become very agitated in large unfamiliar settings such as a doctor’s office waiting room.

Although the Appellant may have social anxiety issues which interfere with her ability to obtain a new physician, policy is clear that a SNAP recipient who claims an exemption to the WorkForce WV registration requirement must obtain a physician’s statement every year to keep his or her exemption valid. Because the Appellant did not do this, the Department acted correctly to impose a penalty against her receipt of SNAP benefits.

CONCLUSION OF LAW

The Appellant did not register with WorkForce WV by February 2, 2017 as a requirement of her receipt of SNAP benefits, pursuant to WV IMM §13.5.A.1. This was her first 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, thereby closing the Appellant's receipt of SNAP benefits for failure to register with WorkForce WV.

ENTERED this 28th Day of March, 2017.

Stephen M. Baisden
State Hearing Officer