



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

April 13, 2017



RE: [REDACTED] v. WVDHHR
ACTION NO.: 17-BOR-1444

Dear Mr. [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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Michalle Boren, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 17-BOR-1444

**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 April 5, 2017, on an appeal filed March 7, 2017.

The matter before the Hearing Officer arises from the February 3, 2017 decision by the Respondent to terminate Supplemental Nutrition Assistance Program (SNAP) benefits effective March 2017.

At the hearing, the Respondent appeared by Michalle Boren, Economic Service Worker, WVDHHR. The Appellant appeared pro se. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Scheduling Order dated March 16, 2017 and hearing information
- D-3 Notices of Decision dated December 20, 2016 and February 3, 2017
- D-4 Case Comments from Department's computer system
- D-5 West Virginia Income Maintenance Manual Chapters 9.1, 12.15 and 13.2

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 Supplemental Nutrition Assistance Program (SNAP) benefits and was notified by the Department on February 3, 2017 (D-3) that his SNAP benefits would be terminated effective March 2017 based on his failure to register with WorkForce West Virginia/West Virginia Bureau of Employment Programs (BEP).
- 2) The Department sent the Appellant a letter (D-3) on December 20, 2016, advising him of the need to register with WorkForce West Virginia/BEP as a mandatory work program registrant for the SNAP. The letter indicated that the registration must be completed by January 18, 2017.
- 3) The Appellant spoke to Economic Service Workers three times before the sanction was placed, and was advised that he could provide the work registration, or a doctor's statement verifying his inability to work. He provided a statement verifying that he had applied for Supplemental Security Income; however, that information was insufficient to establish a disability for SNAP purposes.
- 4) The Appellant failed to register or provide a physician's statement by January 18, 2017, and was placed in a three-month SNAP sanction effective March 2017.
- 5) The Appellant registered with WorkForce West Virginia/BEP on March 7, 2017; however, the sanction could not be lifted because it was already in place.
- 6) The Appellant did not dispute the Respondent's information, but testified that his doctor would not give him a disability statement, and he believed he had until the end of March 2017 to register with WorkForce West Virginia/BEP.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 13.6.A.2 states that a non-WV WORKS recipient who refuses or fails to register with WorkForce West Virginia, 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. For a first violation, the individual is removed from the SNAP Assistance Group for at least three months or until he meets an exemption, whichever is later.

Chapter 13.5.A.1 of the Manual states that all mandatory SNAP work registrants must register with WorkForce West Virginia every 12 months.

Chapter 12.15.C states that a physician's statement means a medical report from a licensed doctor. The statement must contain enough information to allow the worker to determine if the client's condition renders him unfit for employment.

DISCUSSION

SNAP recipients who are mandatory work registrants must register with WorkForce West Virginia/BEP every 12 months. Mandatory work registrants who fail to register are subject to a SNAP penalty for at least three months or until they meet an exemption, whichever is later. A disability exemption can be established with a physician's statement.

The Appellant was required to register with WorkForce West Virginia/BEP by January 18, 2017, and did not complete the registration until March 2017. In addition, he failed to provide a doctor's statement to verify disability. Therefore, the Department acted correctly in terminating the Appellant's SNAP benefits.

CONCLUSION OF LAW

The Department acted correctly in terminating the Appellant's SNAP benefits effective March 2017.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Department's action to terminate SNAP benefits effective March 2017.

ENTERED this 13th Day of April 2017.

Pamela L. Hinzman
State Hearing Officer