



July 6, 2017

[REDACTED]

[REDACTED]

RE: [REDACTED] v.
ACTION NO.: 17-BOR-1941

WVDHHR

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 Board of Review 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 that may be taken if you disagree with the decision reached in this matter.

Sincerely,

Tara B. Thompson
State Hearing Officer
State Board of Review

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

cc: Kimberly Donley

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

[REDACTED],

Appellant,

v.

ACTION NO.: 17-BOR-1941

**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 [REDACTED]. 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 July 5, 2017, on an appeal filed June 6, 2017.

The matter before the Hearing Officer arises from the April 26, 2017 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits and initiate a three-month sanction.

At the hearing, the Respondent appeared by Kimberly Donley. The Appellant appeared *pro se*. The Appellant testified on her own behalf. All witnesses were sworn and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibits:

- D-1 Notice of Decision reflecting requirement to register with WorkForce West Virginia (WorkForce), dated March 14, 2017
- D-2 Notice of Decision reflecting work requirement penalty, dated April 26, 2017
- D-3 Notice of SNAP eligibility changes, dated April 26, 2017
- D-4 West Virginia Income Maintenance Manual (WVIMM) §13.6

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 following Findings of Fact are set forth.

FINDINGS OF FACT

- 1) The Appellant was a recipient of SNAP benefits.
- 2) The Appellant's last registration with WorkForce occurred April 12, 2016.
- 3) On March 14, 2017, notice was issued to the Appellant that she was required to register with WorkForce or meet an exemption by April 12, 2017. (Exhibit D-1)
- 4) The notice dated March 14, 2017, reads that the Appellant must contact the Respondent if the Appellant is unable to work and meets one of the exemptions outlined on the notice. (Exhibit D-1)
- 5) The Appellant was residing in West Virginia in March 2017 and received the notice dated March 14, 2017.
- 6) The Appellant moved from [REDACTED] West Virginia to [REDACTED] when her lease expired March 31, 2017.
- 7) The Appellant did not provide a new address to the Respondent prior to the notice dated April 26, 2017.
- 8) The Appellant failed to register or meet an exemption prior to the April 12, 2017 deadline.
- 9) The Respondent issued a notice dated April 26, 2017, notifying the Appellant that a SNAP penalty was applied to her case for failure to register with WorkForce by April 12, 2017. (Exhibit D-2)
- 10) The Appellant did not notify the Respondent that she moved to [REDACTED] in March 2017.
- 11) The Appellant continued to receive full SNAP benefits from West Virginia in April 2017 and May 2017; she received decreased SNAP benefits from West Virginia in June 2017. (Exhibit D-3)
- 12) This is the Appellant's first SNAP penalty.

APPLICABLE POLICY

WVIMM §1.2. E. Client Responsibility reads as follows in part:

The client's responsibility is to provide information about her circumstances so the Worker is able to make a correct decision about her eligibility.

WVIMM §13.2. A. reads as follows in part:

Individuals are required to register with WorkForce as a condition of eligibility for SNAP benefits. The following SNAP recipients are exempt

from the SNAP work requirement and are not subject to a SNAP penalty for failure to comply...

-Individuals who are physically or mentally unfit to engage in full time employment.

WVIMM §12.15 reads as follows in part:

Disabled means the individual is unfit to engage in full-time employment due to a physical and/or mental disability...

B. Disability is established without a physician's statement if the individual receives benefits from a governmental or private source, and these benefits are based on the individual's own illness, injury, or disability.

C. Disability is established with a physician's statement that contains enough information to allow the worker to determine if the client's condition renders her unfit for employment.

WVIMM §13.5. A. (1) reads as follows in part:

All mandatory individuals must register for employment with WorkForce within 30 days of the date of the original approval, unless exempt according to Section 13.2. Recipients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid.

WVIMM §13.6. A. (2) reads as follows in part:

An individual who fails to register with WorkForce is subject to the following penalties for at least the minimum penalty period or until she reports a change which makes her exempt from the work requirements:

- First violation: The individual is removed from the assistance group for at least 3 months or until she 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 her exempt.

DISCUSSION

The Appellant was a recipient of SNAP benefits. Policy requires that SNAP recipients must register with WorkForce yearly as a condition of eligibility to receive SNAP benefits, unless an exemption is met. The Appellant failed to register with WorkForce or meet an exemption prior to the implementation of the SNAP penalty. The Appellant argued that because of her medical condition she should not be required to comply with the work requirement. Further, the Appellant

argued because she moved from [REDACTED] West Virginia to [REDACTED] in March 2017, she did not receive notices issued by the Respondent in April 2017, and should be issued repayment to equal full SNAP benefits for the month of June 2017. The Appellant further requests to have her benefits reinstated.

Pursuant to policy, the Appellant has a responsibility to provide information about her circumstances so that the Respondent can make a correct decision about her eligibility for SNAP benefits. The Appellant testified that she was residing in [REDACTED] West Virginia in March 2017 and received the notice dated March 14, 2017, advising her to complete WorkForce registration by April 12, 2017. The notice further reflects that the Appellant must contact the respondent if she is unable to work. The Appellant argued no new registration should be required because she has a medical condition. The Appellant testified the Respondent has documentation of her illness on-file from her initial eligibility determination. However, the Respondent argued there is no documentation of any medical exemption recorded in the Appellant's file and the Appellant last registered for WorkForce on April 12, 2016. The Appellant testified she was aware she was supposed to send information to the Respondent that she was exempt from the work requirement. The Appellant stated that she requested her physician, [REDACTED], fax the information to the Respondent in March 2017, because she no longer resided in West Virginia she was unable to come to the local office and handle the redetermination herself.

The Appellant testified her lease expired on March 31, 2017, and she left [REDACTED] West Virginia to move to [REDACTED]. The Appellant testified when she left [REDACTED] West Virginia, she was in the process of being homeless and that is why she did not change her address. She testified that she had explained to the Respondent she was waiting to switch her benefit case to [REDACTED] when she got her new address. The Appellant stated she is still in a homeless position. The Appellant claimed she did not follow-up with the Respondent after March 2017, because she continued to receive benefits in the full amount in April 2017, and May 2017. She testified because she received her benefits in the full amount she assumed the Respondent had received information from the Appellant's physician regarding medical exemption. Due to moving in March 2017, the Appellant claimed she did not receive either notice issued by the Respondent in April 2017. The Appellant argued her SNAP benefits are necessary to maintain her medical condition. However, no evidence or witness testimony was presented by the Appellant to support her claim of medical exemption.

After weighing the evidence and testimony presented, the Respondent's decision to impose a three-month penalty against the Appellant's receipt of SNAP benefits is correct. Pursuant to policy, the Appellant was required to register with WorkForce or provide the Respondent with information to show she had a disability exemption by April 12, 2017. The Appellant failed to complete either requirement to show continued eligibility for SNAP benefits. Further, the Appellant failed to notify the Respondent that she had moved out of West Virginia in March 2017, therefore continuing to draw benefits from the West Virginia Department of Health and Human Resources during the months of April, May, and June 2017. The Appellant did not uphold her responsibility to provide the Respondent with information about her circumstances so that the Respondent could make a correct decision about her benefit eligibility.

CONCLUSIONS OF LAW

- 1) The Appellant did not register with WorkForce or provide information to support a disability exemption to continue receiving SNAP benefits as required by policy.
- 2) A penalty was applied to the Appellant's SNAP benefits when she failed to register with WorkForce by the deadline established by the Respondent.
- 3) The Appellant must serve the minimum penalty period of three (3) months as this is her first offense.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the decision by the Department to terminate the Appellant's Supplemental Nutrition Assistance Program benefits.

ENTERED this 6th day of July 2017.

Tara B. Thompson
State Hearing Officer