



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
1400 Virginia Street  
Oak Hill, WV 25901

Jim Justice  
Governor

Bill J. Crouch  
Cabinet Secretary

August 2, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 17-BOR-2057

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,

Kristi Logan  
State Hearing Officer  
Member, State Board of Review

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

cc: Margaret Fain, [REDACTED] County DHHR

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

██████████,

**Appellant,**

v.

**Action Number: 17-BOR-2057**

**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 August 1, 2017, on an appeal filed June 29, 2017.

The matter before the Hearing Officer arises from the June 9, 2017, decision by the Respondent to reduce the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Margaret Fain, Economic Service Supervisor. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

None

**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) The Appellant was a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits for herself and three (3) members of her Assistance Group.
- 2) The Respondent notified the Appellant on March 31, 2017, that she was required to register with WorkForce West Virginia (WorkForce) by April 29, 2017, to continue receiving SNAP benefits.
- 3) The Appellant was also notified that [REDACTED], a member of her SNAP Assistance Group, was required to register with WorkForce by April 29, 2017.
- 4) A SNAP penalty was applied to the Appellant for her failure to register with WorkForce by the due date.
- 5) A SNAP penalty was also applied to Mr. [REDACTED] for his failure to register with WorkForce by the due date.
- 6) The Appellant's monthly allotment of SNAP benefits were reduced from \$649 to \$357 effective June 1, 2017.
- 7) The Appellant and Mr. [REDACTED] registered with WorkForce on June 1, 2017.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual §13.5(A)(1) states all mandatory individuals must register for employment with WorkForce West Virginia, 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.

West Virginia Income Maintenance Manual §13.2(A)(2) states that individuals are required to register with WorkForce West Virginia as a condition of eligibility for SNAP benefits unless one of the following exemptions is met:

- A person under age 16.
- A person age 16 or 17 who is not the SNAP payee or eRAPIDS primary person.
- A person age 16 or 17 who is attending school or enrolled in an employment training program on at least a half-time basis.
- A person enrolled at least half-time in any recognized school, recognized training program, or institution of higher education.
- A person age 60 or over.
- A parent, or other member of the AG who has the responsibility for the care of a child under the age of 6, or of an incapacitated and/or disabled individual.
- Individuals receiving Unemployment Compensation Income, as a result of registering with WorkForce West Virginia.

- Individuals who are physically or mentally unfit to engage in full-time employment.
- Regular participants in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or non-resident basis.
- Individuals who are employed or self-employed and working a minimum of 30 hours per week, or receiving weekly earnings equal to the federal minimum wage multiplied by 30 hours.
- Individuals who receive WV WORKS and do not meet any of the other SNAP exemptions listed above, so long as they are subject to and complying with a WV WORKS work requirement.

West Virginia Income Maintenance Manual §13.6(A)(2) states that an individual who fails to register with WorkForce West Virginia 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 AG for at least 3 months or until he 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 him exempt.
- Second violation: The individual is removed from the AG for at least an additional 6 months or until he meets an exemption, whichever is later. If after the 6 months, the individual has not complied or met an exemption, the penalty continues until the failure or refusal ceases, or until the individual reports a change that makes him exempt.
- Third and subsequent violations: The individual is removed from the AG for at least an additional 12 months or until he meets an exemption, whichever is later. If after the 12 months, the individual has not complied or met an exemption, the penalty continues until the failure or refusal ceases, or until the individual reports a change that makes him exempt.

### **DISCUSSION**

Pursuant to policy an individual must register with WorkForce West Virginia yearly as a condition of eligibility to receive SNAP benefits, unless an exemption is met. The Appellant and [REDACTED] failed to register with WorkForce West Virginia or meet an exemption prior to the implementation of the SNAP penalty.

The Appellant did not contest that she and Mr. [REDACTED] had not registered by the deadline required by the Respondent, but contended that she was unaware of the penalty that would be applied to her benefits.

### **CONCLUSIONS OF LAW**

- 1) The Appellant and [REDACTED] were required by policy to register with WorkForce West Virginia to continue participating in SNAP.
- 2) A penalty was applied to the Appellant and Mr. [REDACTED] when they failed to register with WorkForce West Virginia by the deadline established by the Respondent, thereby reducing the Assistance Group's monthly SNAP allotment.
- 3) Although the Appellant and Mr. [REDACTED] registered with WorkForce, the penalties were already in effect at the time of their registration and cannot be removed until the minimum penalty period expires.

### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to reduce the Appellant's Supplemental Nutrition Assistance Program benefits.

**ENTERED this 2<sup>nd</sup> day of August 2017**

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**Kristi Logan  
State Hearing Officer**