



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

August 29, 2017



RE: [REDACTED] v. WV DHHR  
ACTION NO.: 17-BOR-2132

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,

Stephen M. Baisden  
State Hearing Officer  
Member, State Board of Review

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

cc: Jenifer Thompson, WV DHHR, [REDACTED] County Office

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

██████████,

Appellant,

v.

ACTION NO.: 17-BOR-2132

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 August 22, 2017, on an appeal filed July 12, 2017.

The matter before the Hearing Officer arises from the June 16, 2017 decision by the Respondent to apply a work requirement penalty to the Appellant's monthly Supplemental Nutrition Assistance Program (SNAP) benefit allotment, thereby reducing the Appellant's SNAP benefit amount. This would be the Appellant's second work requirement penalty as a SNAP recipient.

At the hearing, the Respondent appeared by Jenifer Thompson, Economic Service Worker. The Appellant appeared *pro se*. Appearing as a witness for the Appellant was his wife ██████████. All participants were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Letter from Department to Appellant dated May 16, 2017
- D-2 Letter from Department to Appellant dated June 16, 2017
- D-3 Case recordings from Appellant's SNAP case record, from June 15 through July 12, 2017
- D-4 Second letter from Department to Appellant dated June 16, 2017
- D-5 West Virginia Income Maintenance Manual (WV IMM) Chapter 12, §12.15
- D-6 Screen prints from Appellant's SNAP case record - SNAP Work Requirement Penalty Summary and Workforce WV Registration
- D-7 Screen print from Appellant's SNAP case record - SNAP Work Requirement Penalty Request

D-8 WV IMM Chapter 13, §13.5

D-9 WV IMM Chapter 13, §13.6

D-10 WV IMM Chapter 13, §13.2

D-11 Letter from [REDACTED], dated June 28, 2017

**Appellant's Exhibits:**

A-1 Letter from [REDACTED], dated July 6, 2017

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence, 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 May 16, 2017, the Department sent the Appellant a letter (Exhibit D-1) informing him that SNAP policy required him to register with WorkForce WV within 30 days of the date his SNAP review/redetermination was approved. The letter read that the Appellant was required to register with WorkForce WV by June 14, 2017.
- 2) The Appellant had not registered with WorkForce WV by June 16, 2017.
- 3) On June 16, 2017, the Department sent the Appellant another letter (Exhibit D-2), informing him that a SNAP work requirement penalty had been applied to his benefits for failure to register with WorkForce WV. The letter informed him that he would remain ineligible for SNAP for six months or until he complied with the registration requirement, whichever was longer.
- 4) The Department imposed a six-month work requirement penalty against the Appellant's receipt of SNAP benefits beginning July 1, 2017. He 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 . . . A recipient who fails to register by the due date established . . . is subject to a SNAP penalty and the Worker must send an adverse action notice.

The penalty is not imposed and any lost benefits are restored if, before the end of the month in which the adverse notice expires, the following occurs:

- a. The client registers; and

b. The client notifies DHHR that he has registered.

WV IMM Chapter 13, §13.2.A.2 lists a number of exemptions to the SNAP policy requirement that recipients must register with WorkForce WV. One of these exemptions reads, “A person who is mentally or physically unfit to engage in full-time employment (this includes SSI recipients).”

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.

WV IMM Chapter 12, §12.15.B.3 reads as follows, “A client who does not meet the definition of disability and is not obviously unfit for employment will be requested to provide written verification from a licensed medical professional that the client is unfit for employment.”

## **DISCUSSION**

Policy requires that SNAP applicants register with WorkForce WV within 30 days of benefit approval unless they meet an exemption. By letter dated May 16, 2017 (Exhibit D-1), the Department notified the Appellant that he needed to register by June 14, 2017, to comply with SNAP policy. The May 16, 2017 letter further informed the Appellant that if he registered after June 14 but before the end of that month, he should inform his local DHHR office that he had done so to avoid a sanction or penalty.

The Appellant’s wife came into the WV DHHR, [REDACTED] County Office, on June 23, 2017, and asked questions about the Workforce WV registration requirements. According to case recordings made on that date (Exhibit D-3), a worker informed the Appellant’s wife that the Appellant needed to register with Workforce WV. The recordings state that the wife informed the worker the Appellant was disabled and had applied for Social Security – Disability benefits. The recordings state, “informed her to provide doctor’s statement.”

The Appellant came into the [REDACTED] DHHR Office on July 5, 2017, regarding the Workforce WV sanction. He submitted to the Department a letter from [REDACTED] (Exhibit D-11), indicating he had engaged that law firm to represent him in his attempts to obtain Social Security – Disability benefits. According to case recordings made on that date (Exhibit D-3), he intended this letter to stand as his verification that he was “mentally or physically unfit to engage in full-time employment.”

The Appellant testified that if he registered with Workforce WV, he would be committing fraud because he was telling Workforce WV he was able to work and telling the U.S. Social Security Administration he was not able to work. He testified he was informed by a WV DHHR eligibility worker that he could establish his exemption to the registration policy by providing “a doctor’s or a lawyer’s statement” that he could not work. He testified that based on this information, he provided a statement from the law firm he had engaged to assist him in his application for Social Security – Disability (Exhibit D-11).

The Department’s representative testified that the case recordings made on June 23, 2017 (Exhibit D-3) indicate the Appellant was told to provide a doctor’s statement. She testified that policy found in the WV IMM §12.15.B.3 requires “written verification from a licensed medical professional that the client is unfit for employment.” The Department’s representative added that the Department did not receive a doctor’s statement indicating the Appellant could not work.

### **CONCLUSION OF LAW**

The Appellant did not register with Workforce WV by June 30, 2017, and did not submit a doctor’s statement indicating he could not work. Pursuant to WV IMM §§12.15.B.3 and 13.6.A.2, the Department acted correctly to impose a six-month penalty against the Appellant’s receipt of SNAP benefits.

### **DECISION**

It is the decision of the state Hearing Officer to **uphold** the Department’s decision to apply a work requirement penalty, thereby reducing the Appellant’s monthly SNAP benefit allotment, because the Appellant did not register with WorkForce WV.

**ENTERED this 29<sup>th</sup> Day of August, 2017.**

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**Stephen M. Baisden**  
**State Hearing Officer**