



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-2163

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: Carla Addair, Economic Service Supervisor

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

██████████,

Appellant,

v.

ACTION NO.: 17-BOR-2163

**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 24, 2017, on an appeal filed July 25, 2017.

The matter before the Hearing Officer arises from the April 28, 2017 decision by the Respondent to apply a work requirement penalty to the Appellant's monthly Supplemental Nutrition Assistance Program (SNAP) benefit allotment, thereby discontinuing his receipt of SNAP benefits for six months. This would be the Appellant's second work requirement penalty as a SNAP recipient.

At the hearing, the Respondent appeared by Carla Addair, 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 February 13, 2017
- D-2 Letter from Department to Appellant dated April 28, 2017
- D-3 Letter from Department to Appellant dated March 31, 2012
- D-4 Letter from Department to Appellant dated May 2, 2012

Appellant's Exhibits:

None

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 February 13, 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 March 14, 2017.
- 2) The Appellant had not registered with WorkForce WV by March 14, 2017.
- 3) On April 28, 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 June 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 WV] 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, §13.6.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 February 13, 2017 (Exhibit D-1), the Department notified the Appellant that he needed to register by March 14, 2017, to comply with SNAP policy. The February 13, 2017 letter further informed the Appellant that if he registered after March 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 testified that his father managed his receipt of SNAP benefits by keeping up with his mail from the Department and informing him of his program participant responsibilities. He testified that his father was hospitalized on or about March 10, 2017, and died on March 28. He testified that he did not have his post office box key, his step-mother had it and he could not get access to his mail. He testified that he did not update his Workforce WV registration because of his father's illness, hospitalization and death. He added that he called Workforce WV to update his registration in July 2017, but by then he was past the registration deadline.

The Appellant testified his father was hospitalized on or about March 10, 2017. The Department sent him the letter informing him he had to register with Workforce WV (Exhibit D-1) on February 13, 2017, nearly one month earlier. The Appellant did not provide an adequate reason for not registering with Workforce WV before March 31, 2017.

CONCLUSION OF LAW

The Appellant did not register with Workforce WV by March 31, 2017. Pursuant to WV IMM §§13.5.A.1 and 13.6.A.2, the Department acted correctly to impose a six-month penalty against his 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 discontinuing the Appellant's receipt of SNAP benefits for six months, because the Appellant did not register with WorkForce WV.

ENTERED this 29th Day of August, 2017.

Stephen M. Baisden
State Hearing Officer