



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL**

**Jim Justice
Governor**

**BOARD OF REVIEW
416 Adams St.
Suite 307
Fairmont, WV 26554
304-368-4420 ext. 79326**

**Bill J. Crouch
Cabinet Secretary**

August 23, 2017



RE: [REDACTED] v. WVDHHR
ACTION NO.: 17-BOR-2170

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 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: Jill Metz

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

██████████,

Appellant,

v.

ACTION NO.: 17-BOR-2170

**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 July 17, 2017, on an appeal filed June 29, 2017.

The matter before the Hearing Officer arises from the April 21, 2017 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits and initiate a six-month sanction.

At the hearing, the Respondent appeared by Jill Metz, Economic Services Worker. The Appellant appeared *pro se*. The Appellant testified on his own behalf. All witnesses were sworn and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibits:

- D-1 West Virginia Income Maintenance Manual (WVIMM) §13.2, §13.5, §13.6
- D-2 Notice of WorkForce West Virginia (WorkForce) requirement, dated March 3, 2017
- D-3 Notice of Decision reflecting work requirement penalty, dated April 21, 2017
- D-4 Notice of SNAP termination, dated April 21, 2017

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) During the hearing, the Appellant confirmed that his mailing address as of the date of hearing is [REDACTED].
- 3) During the hearing, the Appellant testified that his mailing address from March 2016 until approximately March 2017 or April 2017 was [REDACTED].
- 4) During the hearing, the Appellant testified that he receives his mail at [REDACTED] and that a friend brings his mail to him approximately one time per week.
- 5) The Appellant does not have transportation and must rely on a friend to deliver his mail from his PO Box.
- 6) On March 3, 2017, a notice was issued to the Appellant that he was required to register with WorkForce or meet an exemption by April 1, 2017. (Exhibit D-2)
- 7) The address on the March 3, 2017 notice is consistent with the address that the Appellant currently uses.
- 8) On April 21, 2017, notice was issued to the Appellant advising him that he would receive a 6-month SNAP ineligibility penalty for failing to meet the work requirement. (D-3)
- 9) The address on the April 21, 2017 notice is consistent with the address that the Appellant currently uses.
- 10) On April 21, 2017, notice was issued to the Appellant advising him that his SNAP benefits would be terminated after May 31, 2017. (Exhibit D-4)
- 11) The Appellant testified that his address was different at the time the notices were issued.
- 12) The Appellant testified that he did not notify the department of his address change because he did not know where he was going to be due to being in the middle of moving.

- 13) The Appellant failed to register or meet an exemption prior to the April 1, 2017 deadline.
- 14) This is the Appellant's second 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 §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 he reports a change which makes her exempt from the work requirements:

- Second violation: The individual is removed from the Assistance Group (AG) for no more than 6 months or until he meets an exemption, whichever is less. If the individual does not meet an exemption prior to the end of the penalty, he is added back into the AG for 6 months. A one-person AG must reapply to establish eligibility.

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 he did not meet the registration deadline because he did not receive the notices issued by the Respondent.

Pursuant to policy, the Appellant has a responsibility to provide information about his circumstances so that the Respondent can make a correct decision about his eligibility for SNAP benefits. The Appellant testified that he was using [REDACTED], which belonged to his friend until approximately March 2017 or April 2017. The notices issued by the Respondent were mailed to [REDACTED], which the Appellant is still using. The Appellant testified that he did not notify the Respondent of a change of address because he was not sure where he could be reached. The Appellant testified that he was in the middle of moving and now resides in a cabin, has no transportation, and requires a friend to bring his mail.

After weighing the evidence and testimony presented, the Respondent's decision to impose a six-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 he had a disability exemption by April 1, 2017. The Appellant failed to complete either requirement to show continued eligibility for SNAP benefits. Further, the Appellant failed to notify the Respondent that he had moved so that the Respondent could issue notices to the correct address. The Appellant did not uphold his responsibility to provide the Respondent with information about his circumstances so that the Respondent could make a correct decision about his 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 he failed to register with WorkForce by the deadline established by the Respondent.
- 3) The Appellant must serve the penalty period of six (6) months as this is his second 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 23rd day of August 2017.

Tara B. Thompson
State Hearing Officer