



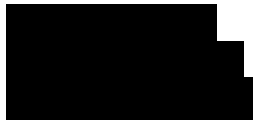
**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL**

**Jim Justice
Governor**

**BOARD OF REVIEW
Raleigh District DHHR
407 Neville Street
Beckley, WV 25801**

**Bill J. Crouch
Cabinet Secretary**

August 29, 2017



RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-2236

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,

Kristi Logan
State Hearing Officer
Member, State Board of Review

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

cc: Jodie Lacy, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 17-BOR-2236

**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 24, 2017, on an appeal filed August 4, 2017.

The matter before the Hearing Officer arises from the June 16, 2017, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

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

Department's Exhibits:

- D-1 Department's Summary
- D-2 Hearing Request Notification
- D-3 Notice of Decision dated June 16, 2017
- D-4 WorkForce West Virginia Registration Letter dated May 18, 2017
- D-5 Notice of Work Requirement Penalty dated June 16, 2017
- D-6 Case Comments for June 2017
- D-7 West Virginia Income Maintenance Manual §13.3 (excerpts)

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.
- 2) The Respondent notified the Appellant by letter on May 15, 2017, that he was required to register with WorkForce West Virginia (WorkForce) by June 14, 2017, to continue receiving SNAP benefits (Exhibit D-4).
- 3) A work requirement penalty was imposed against the Appellant on June 15, 2017, when he failed to register with WorkForce (Exhibit D-6).
- 5) The Appellant's SNAP benefits were terminated effective June 30, 2017, as he is the only member of his SNAP assistance group (Exhibit D-3).
- 6) The Appellant reported to the Respondent on July 10, 2017, that he had registered with WorkForce on July 6, 2017 (Exhibit D-6).
- 7) This is the Appellant's second SNAP penalty.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §13.5(A)(1) states 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 considers the registration valid.

A recipient who fails to register by the due date established on the DFA-6 or verification checklist 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:

- The client registers and
- The client notifies DHHR that he has registered.

West Virginia Income Maintenance Manual §13.6(A)(2) states that 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 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 yearly as a condition of eligibility to receive SNAP benefits, unless an exemption is met.

The Appellant was notified that he was required to register with WorkForce by June 14, 2017. A SNAP penalty was imposed against the Appellant when he failed to register, effective June 30, 2017. The Appellant registered with WorkForce after the Respondent imposed the SNAP penalty and terminated the benefit.

Once a SNAP penalty is imposed, the minimum penalty period must be served, unless an exemption is met. Whereas the Appellant failed to register with WorkForce prior to the imposition of the SNAP penalty, the Respondent correctly terminated the Appellant's benefits.

CONCLUSIONS OF LAW

- 1) The Appellant was required by policy to register with WorkForce to continue receiving SNAP benefits.
- 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 registered with WorkForce after the effective date of the SNAP penalty.
- 4) The Appellant must serve the minimum penalty period of six months as this is his second offense.

DECISION

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

ENTERED this 29th day of August 2017

Kristi Logan
State Hearing Officer