



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

September 5, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-2249

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: Sharon Pannell, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 17-BOR-2249

**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 29, 2017, on an appeal filed August 2, 2017.

The matter before the Hearing Officer arises from the July 10, 2017, decision by the Respondent to reduce the Appellant's Supplemental Nutrition Assistance Program (SNAP) allotment.

At the hearing, the Respondent appeared by Sharon Pannell, 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 Board of Review Scheduling Order dated August 8, 2017
- D-4 WorkForce WV Registration Letter dated May 3, 2017
- D-5 Notice of Decision dated July 10, 2017
- D-6 Notice of Work Requirement Penalty dated July 10, 2017
- D-7 West Virginia Income Maintenance Manual §13.5

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 her husband.
- 2) The Respondent notified the Appellant by letter on May 3, 2017, that she was required to register with WorkForce WV (WorkForce) by June 1, 2017, to continue receiving SNAP benefits (Exhibit D-4).
- 3) A work requirement penalty was imposed against the Appellant on July 10, 2017, when she failed to register with WorkForce (Exhibit D-6).
- 4) The Appellant's monthly SNAP allotment was reduced from \$357 to \$194, effective August 1, 2017 (Exhibit D-5).
- 5) The Appellant registered with WorkForce on August 2, 2017, and the Appellant's husband registered on August 8, 2017.
- 6) This is the Appellant's third 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 [assistance group] for at least 3 months or until he or she 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 or her exempt.
- Second violation: The individual is removed from the AG for at least an additional 6 months or until he or she 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 or her exempt.

- Third and subsequent violations: The individual is removed from the AG for at least an additional 12 months or until he or she 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 or her 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 testified that she and her husband registered with WorkForce in May 2017. The Appellant contended that when she received the SNAP penalty letter, she called WorkForce and was told that her registration was current. The Appellant stated she was unable to get transportation to the local office until August 8, 2017, after her SNAP benefits were reduced.

The Appellant was notified that she was required to register with WorkForce by June 1, 2017. A SNAP penalty was imposed against the Appellant when she failed to register, reducing her SNAP benefits effective August 1, 2017. Although the Appellant asserted that she registered with WorkForce prior to the imposition of the penalty, WorkForce records indicate that the Appellant did not register until August 2, 2017.

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 reduced 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 she 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 twelve months as this is her third offense.

DECISION

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

ENTERED this 5th day of September 2017

Kristi Logan
State Hearing Officer