



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

September 15, 2017



RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-2258

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-2258

**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 September 14, 2017, on an appeal filed August 8, 2017.

The matter before the Hearing Officer arises from the July 5, 2017 decision by the Respondent to apply a work requirement penalty, thereby closing the Appellant's receipt of Supplemental Nutrition Assistance Program (SNAP) benefits.

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 July 5, 2017
- D-2 Letter from Department to Appellant dated June 1, 2017
- D-3 Screen print from Appellant's SNAP case record - SNAP Workforce WV Registration

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 June 1, 2017, the Department sent the Appellant a letter (Exhibit D-2) 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 30, 2017.
- 2) The Appellant had not registered with WorkForce WV by July 5, 2017.
- 3) On July 5, 2017, the Department sent the Appellant another letter (Exhibit D-1), 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 three months or until he complied with the registration requirement, whichever was longer.
- 4) The Department imposed a three-month work requirement penalty against the Appellant's receipt of SNAP benefits beginning August 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, §13.6.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 or she] reports a change which makes [him or her] 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 June 1, 2017 (Exhibit D-2), the Department notified the Appellant that he needed to register by June 30, 2017, in order to comply with SNAP policy. The Department's representative testified that after receiving notification that the Appellant had not registered, she called him on July 3, 2017, to remind him to do so. The Appellant acknowledged that the Department's representative had called him.

The June 1 letter to the Appellant informing him he needed to register (Exhibit D-2) reads as follows regarding registering after the June 30, 2017 deadline: "If you do not register by this date, but prior to the end of the month in which the registration is due, you must notify the local office."

As of July 5, the Appellant had not registered, so the Department imposed a sanction against his receipt of SNAP benefits, effective August 1, 2017. The Department's representative testified that if the Appellant had registered with WorkForce WV and called to inform the Economic Service unit of the WV DHHR, [REDACTED] County Office, of his registration within the month of July 2017, the Department would have lifted the sanction.

The Department's representative testified that the Appellant registered with WorkForce WV in July 2017. She submitted a screen print from his SNAP case record (Exhibit D-3) which displays SNAP recipients' WorkForce WV registration status. According to this screen print, the Appellant registered with WorkForce WV on July 8, 2017. However, according to the Department's representative, the Appellant did not call the [REDACTED] County office of the WV DHHR to inform a worker there that he had registered.

The Appellant testified that he depended on his brother and his brother's boyfriend, with whom he lived, to inform him of the activities he had to undertake in order to remain eligible for SNAP benefits. He testified that these two individuals kept him apprised of his eligibility redetermination reviews and his WorkForce WV registration requirements. He speculated that they must have forgotten to inform him that he needed to register, and to call the Department if he did so after July 1, 2017.

It was the responsibility of the Appellant to remain in compliance with SNAP program requirements. He registered with WorkForce WV after the deadline but before the penalty took effect. Because he did not contact his local WV DHHR office to inform workers there he had registered, the Department acted correctly to impose a sanction or penalty against his receipt of SNAP benefits.

Policy at WV IMM Chapter 13, §13.5.A.1, states that a sanction can be avoided if a recipient registers after the deadline date, if he or she calls his or her local DHHR office and informs an Economic Service Worker about his or her registration. For the Appellant, since the sanction did not begin until August 1, 2017, the month in which the adverse notice expired would have been July 2017.

CONCLUSION OF LAW

The Appellant registered with WorkForce WV after the policy deadline of June 30, 2017, but before the penalty took effect on August 1, 2017. He did not call his local DHHR office to inform a worker that he had registered. Pursuant to WV IMM §13.5.A.1(b), the Department acted correctly to impose a 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 SNAP work requirement penalty to the Appellant, thereby closing his receipt of SNAP benefits, for failure to register with WorkForce WV.

ENTERED this 15th Day of September, 2017.

Stephen M. Baisden
State Hearing Officer