



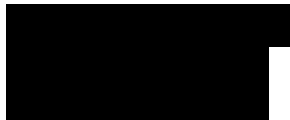
STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL

Jim Justice  
Governor

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

Bill J. Crouch  
Cabinet Secretary

September 27, 2017



RE: [REDACTED] v. WV DHHR  
ACTION NO.: 17-BOR-2452

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: Ashley Adams, [REDACTED] County DHHR

\_\_\_\_\_;

**V.**

**WEST VIRGINIA DEPARTMENT OF  
HEALTH AND HUMAN RESOURCES,**

## DECISION OF STATE HEARING OFFICER

This is the decision of the State Hearing Officer resulting from a fair hearing for [REDACTED]  
[REDACTED] 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 September 26, 2017, on an appeal filed September 8, 2017.

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

D-1 Hearing Request Notification  
D-2 Board of Review Scheduling Order dated September 12, 2017  
D-3 WorkForce West Virginia Registration Letter dated June 28, 2017  
D-4 Notice of Work Requirement Penalty dated July 31, 2017  
D-5 Notice of Decision dated July 31, 2017  
D-6 Case Comments from June 2017 through September 2017  
D-7 West Virginia Income Maintenance Manual §13.3

## 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 June 28, 2017, that he was required to register with WorkForce West Virginia (WorkForce) by July 27, 2017, to continue receiving SNAP benefits (Exhibit D-3).
- 3) A work requirement penalty was imposed against the Appellant on July 31, 2017, when he failed to register with WorkForce (Exhibit D-4).
- 4) The Appellant's SNAP benefits were terminated effective September 1, 2017, as he is the only member of his assistance group (Exhibit D-5).
- 5) The Appellant registered with WorkForce on August 29, 2017, and reported his registration to the Respondent on August 30, 2017 (Exhibit D-6).

### **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.

A recipient who fails to register with WorkForce by the due date established on the notice of the work registration letter is subject to a SNAP penalty and notice of adverse action is sent. The penalty is not imposed if, before the end of the month in which the adverse notice expires, the individual registers and notifies the Respondent that he or she has registered.

The Appellant was notified that he was required to register with WorkForce by July 27, 2017. A SNAP penalty was imposed against the Appellant when he failed to register, terminating his SNAP benefits effective September 1, 2017. The Appellant registered with WorkForce on August 29, 2017, and he reported his registration to the Respondent on August 31, 2017, prior to the expiration of adverse notice.

Per policy, the SNAP penalty should have been removed from the Appellant's case when he registered with WorkForce and reported the registration prior to the effective date of the penalty. The Appellant's SNAP benefits were improperly terminated.

### **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 and reported the registration prior to the effective date of the SNAP penalty.
- 4) The work registration penalty will be removed from the Appellant and his SNAP benefits restored.

### **DECISION**

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

**ENTERED this 27<sup>th</sup> day of September 2017**

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**Kristi Logan**  
**State Hearing Officer**