



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
Raleigh District DHHR
407 Neville Street
Beckley, WV 25801

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

November 8, 2017

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-2643

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

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

[REDACTED]

Appellant,

v.

Action Number: 17-BOR-2643

**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 [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 November 7, 2017, on an appeal filed September 20, 2017.

The matter before the Hearing Officer arises from the July 17, 2017, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

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.

Department's Exhibits:

- D-1 WorkForce West Virginia Registration Letter dated June 14, 2017
- D-2 Notice of Work Requirement Penalty dated July 17, 2017
- D-3 Notice of Decision dated July 17, 2017
- D-4 Case Comments from June 2017 through October 2017
- D-5 West Virginia Income Maintenance Manual §§13.3 and 13.6

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 June 14, 2017, that he was required to register with WorkForce West Virginia (WorkForce) by July 13, 2017, to continue receiving SNAP benefits (Exhibit D-1).
- 3) A work requirement penalty was imposed against the Appellant on July 17, 2017, when he failed to register with WorkForce (Exhibit D-2).
- 5) The Appellant's SNAP benefits were terminated effective July 31, 2017, as he is the only member of his SNAP assistance group (Exhibit D-3).
- 6) The Appellant reported to the local office on August 14, 2017, that he had registered with WorkForce (Exhibit D-4).
- 7) 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 West Virginia, 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.

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. If the Worker independently discovers before the penalty goes into effect that the client has registered before the end of the month in which adverse notice expires, the penalty may be lifted and benefits restored. There is no requirement on the Department, however, to attempt to independently verify if the client has registered after the date of the penalty is entered.

West Virginia Income Maintenance Manual §13.6(A)(2) states that an individual who fails to register with WorkForce West Virginia 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.

If an individual fails to register with WorkForce by the due date listed on the verification request letter, but registration is completed prior to the effective date of the SNAP penalty and the Respondent is notified of the registration, the penalty may be removed.

The Appellant was notified that he was required to register with WorkForce by July 13, 2017. A SNAP penalty was imposed against the Appellant when he failed to register, effective August 1, 2017. The Appellant notified the Respondent that he registered with WorkForce on August 14, 2017, subsequent to the effective date of the SNAP penalty.

The Appellant testified that WorkForce previously gave written verification of registration to submit to the Respondent, but told him that everything was done electronically now. The Appellant contended that he was unaware that he had to notify the Respondent of his registration, and did not know anything was wrong with his case until he did not receive his SNAP benefits for August.

Once the SNAP penalty was imposed, it was the Appellant's responsibility to notify the Respondent of his completed WorkForce registration prior to the effective date of the penalty. The notice sent to the Appellant by the Respondent clearly states that if registration is not completed by the due date listed on the registration request letter, which was July 13, 2017 for the Appellant, then it is the responsibility of the recipient to notify the Respondent before the effective date of the SNAP penalty.

The Appellant did not notify the Respondent that he completed his WorkForce registration prior to the effective date of the SNAP penalty, therefore the penalty cannot be removed.

CONCLUSIONS OF LAW

- 1) SNAP recipients must register with WorkForce West Virginia yearly to receive SNAP benefits.
- 2) A penalty was applied to the Appellant's SNAP benefits when he failed to register with WorkForce West Virginia by the deadline established by the Respondent.
- 3) The Appellant notified the Respondent of his registration with WorkForce West Virginia after the effective date of the SNAP penalty.
- 4) The Appellant will be excluded from participation in SNAP for the minimum penalty period of twelve (12) months as this is his third 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 8th day of November 2017

**Kristi Logan
State Hearing Officer**