



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

February 1, 2017



RE: [REDACTED] v. WVDHHR
ACTION NO.: 16-BOR-3122

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Jessica Koch, WVDHHR

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

████████████████████,

Appellant,

v.

Action Number: 16-BOR-3122

**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 February 1, 2017, on an appeal filed December 2, 2016.

The matter before the Hearing Officer arises from the November 17, 2016 decision by the Respondent to terminate Supplemental Nutrition Assistance Program (SNAP) benefits effective December 2016.

At the hearing, the Respondent appeared by Jessica Koch, Economic Services Supervisor, WVDHHR. The Appellant appeared pro se. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 West Virginia Income Maintenance Manual Chapter 13.2
- D-2 West Virginia Income Maintenance Manual Chapter 13.5
- D-3 West Virginia Income Maintenance Manual Chapter 13.6
- D-4 Notice of Decision dated October 11, 2016, requesting work registration
- D-5 Notice of Decision dated November 17, 2016, regarding work penalty
- D-6 Notice of Decision dated November 17, 2016 regarding SNAP benefit termination

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 and was notified by the Department on November 17, 2016 (D-5 and D-6) that his SNAP benefits would be terminated effective December 2016 based on his failure to register with WorkForce West Virginia/West Virginia Bureau of Employment Programs (BEP).
- 2) The Department sent the Appellant a letter (D-4) on October 11, 2016, advising him of the need to register with WorkForce West Virginia/BEP as a mandatory work program registrant for the SNAP. The letter indicated that the registration must be completed by November 6, 2016.
- 3) The Appellant failed to register by November 6, 2016, and was placed in a three-month SNAP sanction effective December 2016.
- 4) The Appellant testified that he did not receive any of the Department's letters because he was no longer residing with his father due to a Protective Order that had been filed against him. He had previously been receiving mail at his father's Post Office box. The Appellant indicated that he is currently homeless, and has been in contact with WorkForce West Virginia/BEP while searching for employment.

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 13.6.A.2 (D-3) states that a non-WV WORKS recipient who refuses or fails to register with WorkForce West Virginia, 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 reports a change which makes him exempt from the work requirements. For a first violation, the individual is removed from the SNAP Assistance Group for at least three months or until he meets an exemption, whichever is later.

Chapter 13.5.A.1 of the Manual (D-2) states all mandatory SNAP work registrants must register with WorkForce West Virginia every 12 months.

DISCUSSION

SNAP recipients who are mandatory work registrants must register with WorkForce West Virginia/BEP every 12 months. Mandatory work registrants who fail to register are subject to a SNAP penalty for at least three months or until they meet an exemption, whichever is later.

The Appellant was required to register with WorkForce West Virginia/BEP in November 2016 and did not complete the registration. While he indicated he was not receiving mail sent to his father's Post Office box, the Post Office box was the address he had reported to the Department

at that time. Therefore, the Department acted correctly in terminating the Appellant's SNAP benefits when the WorkForce West Virginia/BEP registration was not provided by the due date.

CONCLUSION OF LAW

The Department acted correctly in terminating the Appellant's SNAP benefits effective December 2016.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Department's action to terminate SNAP benefits effective December 2016.

ENTERED this 1st Day of February 2017.

**Pamela L. Hinzman
State Hearing Officer**