



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
203 East Third Avenue
Williamson, WV 25661

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

January 11, 2017

[REDACTED]
[REDACTED]
[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 16-BOR-3135

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: David J. Griffin, Economic Service Supervisor

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

████████████████████,

Appellant,

v.

ACTION NO.: 16-BOR-3135

**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 January 10, 2017, on an appeal filed December 6, 2016.

The matter before the Hearing Officer arises from the November 9, 2016 decision by the Respondent to apply a work requirement penalty, thereby closing the Appellant's receipt of Supplemental Nutrition Assistance Program (SNAP) benefits. This would be the Appellant's second work requirement penalty as a SNAP recipient.

At the hearing, the Respondent appeared by Representative David J. Griffin, 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 October 11, 2016
- D-2 Screen print from Appellant's SNAP case record showing Workforce WV registration status
- D-3 WV DHHR Income Maintenance Manual (WV IMM), Chapter 13, §13.5.A.1
- D-4 Letter from Department to Appellant dated November 9, 2016

Appellant's Exhibits:

None

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) On October 11, 2016, the Department sent the Appellant a letter (Exhibit D-1) 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 November 6, 2016.
- 2) The Appellant had not registered with Workforce WV by November 6, 2016.
- 3) On November 9, 2016, the Department sent the Appellant another letter (Exhibit D-4), 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 six months or until he complied with the registration requirement, whichever was longer.
- 4) The Department imposed a six-month work requirement penalty against the Appellant's receipt of SNAP benefits beginning December 1, 2016. He requested a fair hearing based on the imposition of a sanction for failing to register with Workforce WV.

APPLICABLE POLICY

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.

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 reports a change which makes him 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 October 11, 2016 (Exhibit D-1), the Department notified the Appellant that he needed to register by November 6, 2016, in order to comply with SNAP policy. He did not register.

The Appellant testified that he did not receive either the letter informing him he was required to register with Workforce WV (Exhibit D-1) or the letter informing him the Department was closing his SNAP benefits because he did not register (Exhibit D-4). He stated that his mailing address was correct, but his mailman delivered the letter to his ex-wife's address, which was "three or four blocks away" from his residence.

The Appellant further testified that he attempted to register with Workforce WV by computer, and he thought he had registered. He testified that after the penalty took effect, a worker at Workforce WV informed him he had to reregister because he had not registered in three years or more. He stated the worker told him his previous attempt was an information update, and not a new registration.

If the Appellant had arranged for reliable mail delivery, he would have received the two notices and would have been informed that there was a problem with his Workforce WV registration. Because he did not do this, he did not correct the problem with his registration. The Department acted correctly to impose a six-month penalty against his receipt of SNAP benefits.

CONCLUSION OF LAW

The Appellant did not register with Workforce WV by November 6, 2016 as a requirement of his receipt of SNAP benefits, pursuant to WV IMM §13.5.A.1. This was his second penalty for not doing so. The Department acted correctly to impose a penalty against the Appellant's receipt of SNAP benefits for failing to register with Workforce WV, pursuant to WV IMM §13.6.A.2.

DECISION

It is the decision of the state Hearing Officer to **uphold** the Department's decision to apply a work requirement penalty, thereby closing the Appellant's receipt of SNAP benefits for failure to register with Workforce WV.

ENTERED this 11th Day of January, 2017.

Stephen M. Baisden
State Hearing Officer