



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

**Bill J. Crouch
Cabinet Secretary**

**Board of Review
PO Box 1247
433 Mid Atlantic Parkway
Martinsburg, West Virginia 25402**

**M. Katherine Lawson
Inspector General**

February 8, 2018

[REDACTED]

RE: [REDACTED] v. WV DHHR
BOR ACTION NO.: 18-BOR-1002

Dear [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,

Lori Woodward
State Hearing Officer
Member, State Board of Review

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

cc: Peter VanKleeck, BCF, [REDACTED] Co. DHHR

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

████████████████████,

Appellant,

v.

ACTION NO: 18-BOR-1002

**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 January 31, 2018, on an appeal filed December 28, 2017.

The matter before the Hearing Officer arises from the November 2, 2017 decision by the
Respondent to apply a six-month work requirement penalty to the Appellant's
Supplemental Nutrition Assistance Program (SNAP) benefits, resulting in SNAP closure.

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

Department's Exhibits:

- D-1 Hearing Summary
- D-2 Notice (CMOB) of registration for work with WorkForce West Virginia
requirement, dated September 28, 2017
- D-3 Notice (AEO6) of work requirement penalty, dated November 2, 2017
- D-4 Notice (EDC1) Eligibility Summary, dated November 2, 2017
- D-5 Screen print of WorkForce WV Registration Details
- D-6 WV Income Maintenance Manual (IMM) §14.3.1
- D-7 WV Income Maintenance Manual (IMM) §14.5

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) The Appellant applied for SNAP benefits on September 27, 2017.
- 2) On September 28, 2017, the Respondent issued a written notice informing the Appellant that he was required to register with WorkForce West Virginia (WorkForce) by October 27, 2017. The letter informed the Appellant that if he did not register by that date, but registered before the end of the month or if he was exempt, he must notify his local Department of Health and Human Resources (DHHR) office. (Exhibit D-2)
- 3) On November 2, 2017, the Respondent confirmed with electronic data received from WorkForce that the Appellant had not registered. (Exhibit D-1)
- 4) Notice was sent to the Appellant on November 2, 2017 that a work penalty was applied to the Appellant, resulting in SNAP benefit closure for six (6) months. (Exhibit D-3)
- 5) The Appellant did not contest that this is his second SNAP work penalty and that the first had been applied in 2015.
- 6) The Appellant did not contest that he did not register with WorkForce until after October 27, 2017.
- 7) The Appellant registered with WorkForce on December 28, 2017. (Exhibit D-5)

APPLICABLE POLICY

All Supplemental Nutrition Assistance Program (SNAP) clients are subject to a work requirement, unless exempt. (IMM §14.2)

Failure of an individual to register within the time limits found in §14.3 and each 12 months thereafter results in application of a penalty for not meeting the work requirement. (IMM §14.2.1.A)

All individuals must register for employment with WorkForce West Virginia within 30 days of the date of the original approval, unless exempt according to §14.2. Clients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid. The client may register online or by visiting a

WorkForce West Virginia office. A client who fails to comply by the due date established on the notice to register is subject to a SNAP penalty and the Worker must send an adverse action notice. (IMM §14.3.1.A)

When determining the correct number of penalties, the Worker must look at the total number of penalties previously served, not just the number of penalties for each work requirement. The penalty must be served unless the client meets an exemption. Penalties are applied sequentially, regardless of the requirement not met. Penalties are applied consecutively, and one penalty must end before another one is imposed. (IMM §14.5)

IMM §14.5.1.B, requires a client 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 the full penalty period or until he reports a change which makes him exempt from the work requirements. See Section 14.2 for exemptions.

- First violation: The client is removed from the AG for at least three months or until he meets an exemption. If after three months, the client has not complied or met an exemption, the penalty continues until he does comply or meets an exemption for some reason other than Unemployment Compensation Insurance (UCI) related activities.
- Second violation: The client is removed from the AG six months or until he meets an exemption. If after six months, the client has not complied or met an exemption, the penalty continues until he does comply or meets an exemption for some reason other than UCI-related activities.
- Third and subsequent violations: The client is removed from the AG for 12 months or until he meets an exemption. If after the 12 months, the client has not complied or met an exemption, the penalty continues until he does comply or meets an exemption for some reason other than UCI-related activities.

DISCUSSION

The Appellant applied for SNAP benefits on September 27, 2017. As a requirement for his eligibility, he was to register with WorkForce within 30 days from the date of his application. A letter explaining the WorkForce registration requirement was sent to the Appellant on September 28, 2017, giving him until October 27, 2017 to either register with WorkForce or to contact the office if he claimed an exemption from policy. On November 2, 2017, the worker found that the Appellant had not registered with WorkForce, resulting in a second SNAP work penalty application to the Appellant. Notification of the application of the penalty and SNAP closure were sent to the Appellant on November 2, 2017.

The Appellant did not dispute that he did not register with WorkForce by the stated deadline of October 27, 2017. He testified that when he attempted to go online to register, he was locked out of the computer and was unable to register until after the registration

deadline. The evidence showed he did not register with WorkForce until December 28, 2017.

The Appellant's argument is unconvincing and is not supported by policy. He was informed of the SNAP work registration requirement on September 28, 2017, but did not register until three months later. The Appellant could have registered in person at the local WorkForce office.

The Appellant does not contest that this is his second SNAP work penalty. Therefore, the Respondent's decision to apply a second work penalty is affirmed.

CONCLUSIONS OF LAW

1. SNAP eligibility requires a non-exempt applicant to register with WorkForce within thirty (30) days of application.
2. The Appellant was required to register with WorkForce by October 27, 2017.
3. Because the Appellant failed to register with WorkForce or meet an exemption prior to the registration deadline, a work penalty must be imposed.
4. This is the Appellant's second work penalty, which requires a six-month penalty period.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Respondent's decision to apply a six-month SNAP work requirement penalty from December 2017 through May 2018 to the Appellant.

ENTERED this 8th day of February 2018.

Lori Woodward, State Hearing Officer