



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

**Bill J. Crouch
Cabinet Secretary**

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

**M. Katherine Lawson
Inspector General**

February 8, 2018

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 18-BOR-1046

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: Alice James, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 18-BOR-1046

**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 8, 2018, on an appeal filed January 5, 2018.

The matter before the Hearing Officer arises from the November 29, 2017, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Alice James, Economic Service Worker. The Appellant appeared by his mother, ██████████. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Department's Summary
- D-2 Hearing Request Notification
- D-3 Board of Review Scheduling Order dated January 10, 2018
- D-4 WorkForce West Virginia Registration Request dated October 30, 2017
- D-5 Notice of Work Requirement Penalty dated November 29, 2017
- D-6 Notice of Termination dated November 29, 2017
- D-7 Case Comments from September 2017 through January 2018
- D-8 West Virginia Income Maintenance Manual §13.5

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 October 30, 2017, that he was required to register with WorkForce West Virginia (WorkForce) by November 26, 2017, to continue receiving SNAP benefits (Exhibit D-4).
- 3) The October 30, 2017, letter informed the Appellant that if he did not register by the due date of November 26, 2017, but by the end of the month in which the WorkForce registration was due, he must contact the local office (Exhibit D-4).
- 4) A work requirement penalty was imposed against the Appellant on November 28, 2017, when his registration with WorkForce was inactive (Exhibit D-5 and D-7).
- 5) The Appellant's SNAP benefits were terminated effective December 31, 2017, as he is the only member of his SNAP assistance group (Exhibit D-6).
- 6) The Appellant's mother and authorized representative contacted the Respondent's Customer Service Center on January 5, 2018, to inquire as to why the Appellant had not received SNAP benefits for the month.
- 7) The Appellant's WorkForce registration was confirmed as being activated on November 20, 2018 (Exhibit D-7).

APPLICABLE POLICY

West Virginia Income Maintenance Manual §14.3.1.A states all SNAP recipients must register for employment with WorkForce West Virginia, within 30 days of the date of the original SNAP approval, unless exempt. Clients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid. Actions which constitute a registration are defined by WorkForce West Virginia and the eligibility system must:

- Match with WorkForce West Virginia. Registration date updated.
- Match the date returned from WorkForce West Virginia is more than 12 months old. The client must register again.
- Match with WorkForce West Virginia with inactive job status and no job preference. The client must choose a job preference and become active to be considered registered.
- Match with WorkForce West Virginia with inactive job status and with job preference. The client must become active to be considered registered.

- Match with WorkForce West Virginia with active job status and no job preference. The client must choose a job preference to be considered registered.

Once the client registers with WorkForce West Virginia for SNAP purposes, he cannot be required to register more often than every 12 months, even when the benefit is opened and closed within the 12-month period. This is tracked through the eligibility system.

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. 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 the Department of Health and Human Resources (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 the 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 the penalty is entered into the system.

West Virginia Income Maintenance Manual §14.5.1.B states that client who refuses or fails to register with WorkForce West Virginia 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.

- 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

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 registration 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's mother contended that she called the local office and left multiple messages regarding the Appellant's WorkForce registration, which was completed on November 20, 2017. The Respondent had no record of messages left by the Appellant's mother.

The Respondent's representative testified that the Appellant's WorkForce registration was inactive when she checked their online data exchange system on November 28, 2017, when the SNAP penalty was imposed. However, data exchange now confirms that the Appellant registered on November 20, 2017, as purported.

The Appellant registered with WorkForce prior to the November 26, 2017, deadline established by the Respondent, and therefore was not required to report this registration to the Respondent. Through no fault of his own, the Appellant's registration was not conveyed as active through the data exchange system utilized by the Respondent with WorkForce.

The Appellant met the eligibility requirement of WorkForce registration within the allowable time frame set by the Respondent, therefore, a SNAP penalty was applied in error and the Appellant's SNAP benefits improperly terminated.

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 his WorkForce West Virginia registration appeared inactive by the deadline established by the Respondent.
- 3) The Appellant registered with WorkForce West Virginia on November 20, 2017, prior to the November 26, 2017, deadline and was only required to report if the registration occurred after the deadline.
- 4) Subsequent to the imposition of the work registration penalty, the Respondent confirmed the Appellant's WorkForce registration.
- 5) Whereas the Appellant registered with WorkForce registration prior to the deadline established by the Respondent, a penalty should not have been placed against his SNAP benefits.

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 (SNAP) benefits.

ENTERED this 8th day of February 2018

Kristi Logan
State Hearing Officer