



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

Bill J. Crouch
Cabinet Secretary

M. Katherine Lawson
Inspector General

August 10, 2018



RE: [REDACTED] v. WV DHHR
ACTION NO.: 18-BOR-1859

Dear Ms. [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: Amy Workman, WV DHHR, [REDACTED] County Office

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

██████████,

Appellant,

v.

ACTION NO.: 18-BOR-1859

**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 August 1, 2018, on an appeal filed June 12, 2018.

The matter before the Hearing Officer arises from the June 1, 2018 decision by the Respondent to establish a work requirement penalty and thereby discontinue the Appellant's receipt of Supplemental Nutrition Assistance Program (SNAP) benefits for three months or until compliance.

At the hearing, the Respondent appeared by Amy Workman, Economic Service Worker. The Appellant appeared *pro se*. The participants were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Case recordings from Appellant's case record, dated November 15, 2017 through June 6, 2018
- D-2 Letter from Department to Appellant dated April 5, 2018
- D-3 Letter from Department to Appellant dated May 10, 2018
- D-4 Second letter from Department to Appellant dated May 10, 2018
- D-5 Case recordings from Appellant's case record, dated April 4, 2018 through June 14, 2018
- D-6 Screen print from Appellant's case record – Workforce WV Registration
- D-7 Form DFA-FH-1, WV DHHR Pre-Hearing Conference and/or Fair Hearing Request

- D-8 E-mail from WV DHHR, [REDACTED] County Office, to WV Board of Review, dated June 12, 2018
- D-9 Screen print from Appellant's case record – Case Benefit Summary
- D-10 WV Income Maintenance Manual (WV IMM), Chapter 13, §§13.3 and 13.4
- D-11 WV IMM Chapter 3, §3.2.1
- D-12 WV IMM Chapter 14, §14.2

Appellant's Exhibits:

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence during 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 April 5, 2018, the Department sent the Appellant a letter (Exhibit D-2) informing her that she was required to register with WorkForce WV within 30 days of the date her SNAP review/redetermination was approved. The letter read that the date of her registration deadline was May 4, 2018.
- 2) On May 10, 2018, the Department sent the Appellant another letter (Exhibit D-3), informing her that a SNAP work requirement penalty had been applied to her benefits for failing to register with WorkForce WV. The letter informed her that she would remain ineligible for SNAP benefits for three months or until she complied with the registration requirement, whichever was longer.
- 3) The Department imposed a three-month work requirement penalty against the Appellant's receipt of SNAP benefits beginning June 1, 2018 (Exhibit D-4).
- 4) The Appellant registered with Workforce WV on June 4, 2018 (Exhibit D-6).
- 5) The Appellant requested a fair hearing based on the imposition of a sanction for failing to register with WorkForce WV.

APPLICABLE POLICY

WV Income Maintenance Manual (WV IMM) Chapter 14, §14.3.1.A 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 . . . A recipient who fails to register by the due date established . . . 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 [or she] has registered.

DISCUSSION

Policy requires that SNAP recipients register for employment with WorkForce WV within 30 days of benefit application or redetermination approval, unless they meet an exemption. By letter dated April 5, 2018 (Exhibit D-2), the Department notified the Appellant that she needed to register by May 4, 2018, in order to comply with SNAP policy. WorkForce WV is an employment referral service operated by the WV Bureau of Employment Programs (WV BEP).

The April 5, 2018 letter (Exhibit D-2) reads as follows regarding an individual who registers after the registration deadline but before the sanction begins: “If you do not register by this date [May 4, 2018], but prior to the end of the month in which the registration is due, you must notify the local office.”

The Department’s representative testified that as of May 10, 2018, the Department had not received notification the Appellant had registered with WorkForce WV. She testified that on May 10, 2018, the Department sent the Appellant a letter (Exhibit D-3), informing her that the Department had imposed a sanction (or penalty) against her receipt of SNAP benefits. A second letter, also dated May 10, 2018 (Exhibit D-4), informed that the sanction was scheduled to begin June 1, 2018. She added that since the sanction was not due to begin until June 1, the Appellant could have registered by May 31, 2018, provided she called or otherwise contacted the Department to inform a worker that she had updated her registration.

The Appellant testified that she received the letter informing her that she was required to register with Workforce WV by May 4, 2018. She stated that within a week of being informed she was required to register, she registered by computer. She added that she could not recall exactly what day she completed her registration.

The Appellant testified that she had completed her registration with Workforce WV as instructed, and therefore did not anticipate any problems with receiving her SNAP benefits for June 2018. She testified that she did not receive either of the May 10, 2018 letters (Exhibits D-3 and D-4) informing her a sanction had been imposed upon her receipt of SNAP benefits. She stated that on the June date on which her SNAP benefits should have been entered into her EBT card (SNAP access device) account, she found that no such benefits were entered. She stated she contacted the Department and was informed of the sanction.

The WV DHHR maintains an interface with the WV Bureau of Employment Programs (BEP), the purpose of which is to inform the DHHR of a SNAP recipient’s Workforce WV registration status. This is accomplished by a computer screen within the WV DHHR’s benefit eligibility and

maintenance computer network, known as RAPIDS. The Department's representative submitted as evidence a print-out of this computer screen as displayed in the Appellant's case. This screen print indicates the Appellant registered with Workforce WV on June 4, 2018 (Exhibit D-6).

The Appellant testified that she previously had problems registering with Workforce WV by computer, and that a person who does his or her registration in this manner may be penalized because the online registration system does not work properly. She stated that she did not understand why she did not receive the letters informing her of the sanction. She stated several persons get their mail at her address and it was possible that someone took her mail by mistake.

The preponderance of evidence supports the Department's position that the Appellant did not register with Workforce WV until June 4, 2018. If the Appellant had registered in April but then received notification that a sanction was being imposed, she would have had from May 10 to the end of the month to resolve the issue. The Appellant testified that she did not receive the letters informing her of SNAP case closure and speculated that others who use her mail box may have mistakenly taken her letters. It is her responsibility to provide for secure mail delivery.

The Department acted correctly to impose a penalty against the Appellant's receipt of SNAP benefits.

CONCLUSIONS OF LAW

- 1) The Appellant was required to register with WorkForce WV by May 4, 2018. She registered with WorkForce WV on June 4, 2018.
- 2) Pursuant to WV DHHR policy found in WV IMM §14.3.1.A, the Department acted correctly to impose a sanction against the Appellant's receipt of SNAP benefits, thus discontinuing her eligibility for SNAP from June through August 2018.

DECISION

It is the decision of the state Hearing Officer to **uphold** the Department's decision to apply a SNAP work requirement penalty to the Appellant, thereby discontinuing her receipt of SNAP benefits for three months, for failing to register with WorkForce WV.

ENTERED this 10th Day of August 2018.

Stephen M. Baisden
State Hearing Officer