



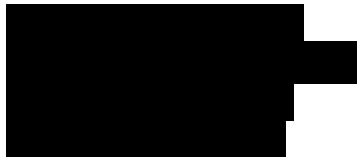
**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL**

**Bill J. Crouch
Cabinet Secretary**

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

**M. Katherine Lawson
Inspector General**

August 16, 2018



RE: [REDACTED] v. WV DHHR
ACTION NO.:18-BOR-1887

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,

Kristi Logan
State Hearing Officer
Member, State Board of Review

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

cc: Melissa Yost, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 18-BOR-1887

**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 August 8, 2018.

The matter before the Hearing Officer arises from the May 18, 2018, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Angela Proffitt, Economic Service Worker. The Appellant appeared by counsel, ██████████. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

None

Appellant's Exhibits:

- A-1 SNAP Change Reporting Form date stamped April 6 and April 12, 2018
- A-2 Notice of SNAP Termination dated May 18, 2018
- A-3 Notice of Work Requirement Penalty dated May 18, 2018
- A-4 Address History Screen Print
- A-5 Case Comments from April 2018 to June 2018
- A-6 Application for Benefits dated May 1, 2017 (page 1 of 17)

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 SNAP benefits.
- 2) On April 6, 2018, the Respondent received a change reporting form from the Appellant reporting a new address of [REDACTED] (Exhibit A-1).
- 3) A telephone interview was conducted with the Appellant on April 25, 2018, in conjunction with a SNAP eligibility review.
- 4) Case comments indicated that the Appellant reported the [REDACTED] address as her current mailing address (Exhibit A-5).
- 5) Case comments from the April 25, 2018, telephone interview also indicated that the Appellant was referred to update her registration with WorkForce West Virginia.
- 6) The Respondent notified the Appellant on May 18, 2018, that a work registration penalty had been applied for her failure to register with WorkForce West Virginia (Exhibit A-3).
- 7) The Appellant's SNAP benefits were terminated effective June 1, 2018, as she is the sole member of her SNAP assistance group (Exhibit A-2).
- 8) The Appellant registered with WorkForce West Virginia on June 4, 2018, after the effective date of the work requirement penalty and SNAP closure.

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. Recipients 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:

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.

The Worker must enter the appropriate information in the eligibility system at any point during the certification period when the client is due to register with WorkForce West Virginia. The

eligibility system uses this information to send the client the notice to register 30 days prior to the due date.

When the Worker discovers the client was not notified that he must re-register during the certification period and is not currently exempt, the Worker must follow the same steps as noted above to establish a new registration due date and to ensure the client is notified 30 days prior to the new registration due date (emphasis added).

West Virginia Income Maintenance Manual §14.5.1.B states that a 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 assistance group (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 West Virginia yearly as a condition of eligibility to receive SNAP benefits, unless an exemption is met.

The Respondent's eligibility system generates a notice of the registration requirement thirty (30) days prior to the date that registration is due. If it is discovered that an individual was not notified of the registration due date, a new registration due date is established to allow the recipient 30 days' notice of the registration.

The Respondent testified that the work registration letter was mailed to [REDACTED]. The Respondent did not indicate the date the letter was mailed nor was a copy of the letter provided as evidence.

The work registration penalty was imposed against the Appellant on or around May 18, 2018, when it was determined that the Appellant had not registered with WorkForce, West Virginia. The Appellant registered with WorkForce West Virginia subsequent to the effective date of the penalty.

The Respondent averred that the Appellant was notified during the April 25, 2018, telephone interview that she was referred to register with WorkForce, contending that the Appellant was notified of the registration requirement.

The work registration letter was mailed to an outdated mailing address as evidenced by the SNAP change reporting form, and the Respondent's testimony of the address to which the letter was mailed. If the Appellant was notified of the registration requirement during the April 25, 2018, telephone interview, it was done so verbally, and a new notice was not issued and a new 30-day timeline was not established. Policy requires written notice of the work registration requirement 30 days prior to the due date of registration, of which the Appellant was not afforded.

Whereas the Appellant was not given written notice of the work registration within 30 days of the due date of the registration, the Respondent incorrectly imposed a work registration penalty against the Appellant, thereby terminating her SNAP benefits.

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 she failed to register with WorkForce West Virginia by the deadline established by the Respondent.
- 3) The Appellant reported a change of address on April 6, 2018, and did not receive the notice 30 days prior to the due date of the work registration.
- 4) The Appellant reported her correct mailing address during a telephone interview on April 25, 2018, at which time the Respondent was required to establish a new 30-day timeline and issue written notice of the work registration requirement.
- 5) The Appellant was not given written notice 30 days prior to the due date of the work registration.
- 6) The work registration penalty was incorrectly imposed against the Appellant.

DECISION

It is the decision of the State Hearing Officer to **reverse** the decision of the Respondent to impose a work registration penalty against the Appellant, resulting in a termination of Supplemental Nutrition Assistance Program benefits.

ENTERED this 16th day of August 2018

Kristi Logan
State Hearing Officer