



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 31, 2018



RE: [REDACTED] v. WV DHHR
ACTION NO.: 18-BOR-2126

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: Carla Addair, Economic Service Supervisor

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

██████████,

Appellant,

v.

ACTION NO.: 18-BOR-2126

**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 28, 2018, on an appeal filed August 2, 2018.

The matter before the Hearing Officer arises from the July 12, 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 six months or until compliance.

At the hearing, the Respondent appeared by Carla Addair, 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 February 17, 2015
- D-2 Letter from Department to Appellant dated March 20, 2015
- D-3 Letter from Department to Appellant dated June 11, 2018
- D-4 Letter from Department to Appellant dated July 12, 2018

Appellant's Exhibits:

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence, 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 June 11, 2018, the Department sent the Appellant a letter (Exhibit D-3) informing him that he was required to register with WorkForce WV within 30 days of the date his SNAP review/redetermination was approved. The letter read that the date of his registration deadline was July 10, 2018.
- 2) On July 12, 2018, 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 failing to register with WorkForce WV. The letter informed him that he would remain ineligible for SNAP benefits for six months or until he complied with the registration requirement, whichever was longer.
- 3) The Appellant registered with Workforce WV on July 30, 2018. He did not inform the Department he had registered on that date.
- 4) The Department imposed a six-month work requirement penalty against the Appellant's receipt of SNAP benefits beginning August 1, 2018.
- 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 June 11, 2018 (Exhibit D-3), the Department notified the Appellant that he needed to register by July 10, 2018, to comply with SNAP policy. WorkForce WV is an employment referral service operated by the WV Bureau of Employment Programs (WV BEP).

The June 11, 2018 letter (Exhibit D-3) 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 [July 10, 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 on July 12, 2018, the Department sent the Appellant a letter (Exhibit D-4), informing him that the Department had imposed a sanction (or penalty) against his receipt of SNAP benefits. She added that since the sanction was not due to begin until August 1, the Appellant could have registered by July 31, 2018, provided he called or otherwise contacted the Department to inform a worker that he had updated his registration.

The Appellant testified that he registered with Workforce WV on July 28, 29 or 30, 2018, he could not recall exactly which date. The Department’s representative confirmed he registered on July 30.

The Appellant testified that he could not call the Department on July 30, because telephone service in his community was interrupted. He stated that in his community, it is not uncommon for telephone service to be interrupted for days at a time because copper thieves cut communication lines to steal copper wiring.

The Appellant testified that he does not drive, so he had someone drive him to the WV DHHR, ██████████ County office, to inform a worker there about his registration. He stated he did this on August 2, 2018.

The Appellant had the responsibility to register with WorkForce WV by July 10, 2018. The letter informing him of this responsibility (Exhibit D-3) specified that if he registered after July 10 but before the first of the following month, the Department would not impose a sanction against his receipt of SNAP benefits provided he contacted his local office.

The Appellant had from June 11 to July 31, 2018, to complete the registration. He chose to wait until July 30 to register, and then had telephone difficulties which prevented him from informing the Department of his registration. He had ample opportunity to register before July 30, 2018, and avoid the communication difficulties he encountered.

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 July 31, 2018. He registered with WorkForce WV on July 30, 2018.
- 2) The Appellant did not notify his local DHHR office that he registered with Workforce WV after July 10 but before August 1, 2018.

- 3) 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 his eligibility for six months.

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 his receipt of SNAP benefits for six months, for failing to register with WorkForce WV.

ENTERED this 31st Day of August 2018.

Stephen M. Baisden
State Hearing Officer