



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

Bill J. Crouch
Cabinet Secretary

**Board of Review
416 Adams Street Suite 307
Fairmont, WV 26554
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Jolynn Marra
Interim Inspector General

October 16, 2018

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 18-BOR-2365

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 Board of Review 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 that may be taken if you disagree with the decision reached in this matter.

Sincerely,

Tara B. Thompson
State Hearing Officer
State Board of Review

Enclosure: Appellant's Recourse
Form IG-BR-29

cc: Elizabeth Lawther, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

ACTION NO.: 18-BOR-2365

**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' (DHHR) Common Chapters Manual. This fair hearing was convened on October 10, 2018, on an appeal filed September 12, 2018.

The matter before the Hearing Officer arises from the July 24, 2018 determination by the Respondent to terminate Supplemental Nutrition Assistance Program (SNAP) benefits due to the Appellant's failure to register with WorkForce West Virginia (WorkForce).

At the hearing, the Respondent appeared by Elizabeth Lawther. The Appellant appeared *pro se*. Both witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

None

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 following Findings of Fact are set forth.

FINDINGS OF FACT

- 1) On June 22, 2018, the Respondent issued a notice advising the Appellant she was required to register with WorkForce within 30 days of the date her SNAP application was approved and every 12 months thereafter. The notice reflected that the Appellant was required to register with WorkForce by July 21, 2018.
- 2) The June 22, 2018 notice provided information to the Appellant on how to make contact if she had questions, comments, or needed additional information about completing the WorkForce registration.
- 3) On July 24, 2018, the Respondent issued a notice advising the Appellant that a SNAP work requirement penalty had been applied to her SNAP benefits because of her failure to register with the Bureau of Employment Programs (BEP).
- 4) The July 24, 2018 notice advised that the Appellant would remain ineligible for SNAP benefits for 12 months or until compliance, whichever is longer.
- 5) On July 24, 2018, the Respondent issued a notice advising the Appellant that her SNAP benefits would end, effective September 1, 2018, due to her failure to register with WorkForce.
- 6) The Appellant did not register with WorkForce by the July 21, 2018 deadline or prior to the end of the month in which the registration was due.
- 7) The penalty applied in this matter is the Appellant's third SNAP work requirement penalty.

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) §14.3.1 SNAP Work Registration provides in part:

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

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 client registers and notifies the DHHR that he has registered.

WVIMM §14.5.1.B SNAP Work Requirement Penalties provides in part:

A client who refuses or fails to register with WorkForce is subject to the full penalty period or until he reports a change which makes him exempt from work requirements ... For the client's 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 Unemployment Compensation Insurance-related activities.

DISCUSSION

A third SNAP work requirement penalty was applied to the Appellant's SNAP benefits; thereby, terminating her SNAP benefits effective September 1, 2018. Due to the penalty, the Appellant was advised she was ineligible to receive SNAP benefits for a 12-month penalty period or until she complied with WorkForce requirements, whichever was longer.

The Respondent had to demonstrate that the Appellant did not meet SNAP work requirements by registering with WorkForce by the deadline. The Appellant testified that she was tired when she read the notice regarding her WorkForce registration requirement and that because she was tired, she read the due date as September instead of July 2018. By the Appellant's admission, she did not attempt to register with WorkForce until September 2018. The Appellant testified that when she contacted WorkForce in September she was advised that she had to "call WorkForce in person" to keep her WorkForce case active. The Appellant argued that she was never advised by the Respondent that she must "call WorkForce in person."

The June 22, 2018 notice provided information to the Appellant on how to make contact if she had questions, comments, or needed additional information about completing the WorkForce registration. No evidence was entered by either party to establish that the Appellant had made any attempt to contact the Respondent to communicate questions or obtain additional information regarding her WorkForce registration requirement. Pursuant to policy, the Appellant was required to register by visiting a WorkForce office or by registering online. The Appellant did not attempt to register with WorkForce until more than a month beyond her WorkForce registration due date; therefore, the Appellant's argument that she was not advised how to register with WorkForce was given little weight by this Hearing Officer.

The preponderance of evidence demonstrated that the Appellant did not meet SNAP work requirements by registering with WorkForce by the deadline. The Appellant did not contest that this is her third SNAP penalty for failure to register with WorkForce. Policy provides that a client that fails to register with WorkForce is subject to a penalty period. Because this is the Appellant's third penalty, she must remain ineligible for SNAP benefits for twelve (12) months or until she meets an exemption.

CONCLUSIONS OF LAW

- 1) Policy requires the imposition of a SNAP penalty period when a client fails to comply with WorkForce registration requirements.
- 2) The Appellant did not register with WorkForce by the July 21, 2018 deadline or prior to the end of the month in which the registration was due.
- 3) This is the Appellant's third SNAP work requirement penalty.
- 4) The respondent correctly imposed a third SNAP work requirement 12-month penalty period beginning September 1, 2018.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Department's decision to apply a third SNAP work requirement penalty against the Appellant for 12 months, effective September 1, 2018, due to her failure to comply with WorkForce registration requirements.

ENTERED this 16th day of October 2018.

Tara B. Thompson
State Hearing Officer