



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
1027 N. Randolph Ave.  
Elkins, WV 26241

Bill J. Crouch  
Cabinet Secretary

Jolynn Marra  
Interim Inspector General

October 25, 2018

[REDACTED]

RE: [REDACTED] v. WVDHHR  
ACTION NO.: 18-BOR-2416

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,

Pamela L. Hinzman  
State Hearing Officer  
Member, State Board of Review

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

Cc Bridgett Haney, WVDHHR

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

██████████,

**Appellant,**

v.

**Action Number: 18-BOR-2416**

**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 October 23, 2018, on an appeal filed September 21, 2018.

The matter before the Hearing Officer arises from the July 30, 2018 decision by the Respondent to terminate Supplemental Nutrition Assistance Program (SNAP) benefits effective September 2018.

At the hearing, the Respondent appeared by Bridgett Haney, Economic Service Worker, WVDHHR. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Notice of Decision dated June 27, 2018
- D-2 West Virginia Income Maintenance Manual Chapter 14.3
- D-3 Notice of Decision dated July 30, 2018
- D-4 WorkForce West Virginia Registration information/data exchange

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) On June 27, 2018, the Respondent sent the Appellant a Notice of Decision (D-1), indicating that she was required to register with the Bureau of Employment Programs/WorkForce West Virginia by July 26, 2018.
- 3) The Respondent failed to verify her WorkForce West Virginia registration by July 26, 2018.
- 4) The Respondent sent the Appellant a notice on July 30, 2018 (D-3), indicating that her SNAP benefits would be terminated effective September 1, 2018 due to the imposition of a work penalty.
- 5) The Respondent verified via data exchange that the Appellant registered with Workforce West Virginia on September 21, 2018. However, the sanction could not be lifted because the penalty period had already begun.

## **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 14.2 1.A states that all SNAP clients are subject to a work requirement, unless exempt. Chapter 14.5.1.B states that a non-WV WORKS recipient who refuses or fails to register with WorkForce West Virginia, refuses employment, or refuses to provide information about employment status and job availability is subject to the following penalties for at least the minimum penalty period or until he reports a change which makes him exempt from work requirements.

For a first violation, the individual is removed from the SNAP Assistance Group for at least three (3) months or until he meets an exemption, whichever is later.

## **DISCUSSION**

Policy states that all SNAP clients are subject to a work requirement, unless exempt. A non-WV WORKS recipient who refuses or fails to register with WorkForce West Virginia, refuses employment, or refuses to provide information about employment status and job availability is subject to a penalty for at least the minimum penalty period or until he reports a change which makes him exempt from work requirements.

The Appellant testified that she registered with WorkForce West Virginia via telephone in August 2018; however, she contended that the WorkForce West Virginia office would not provide verification of the August registration date to the Respondent. The Respondent's witness testified that the Department's data exchange with WorkForce West Virginia indicates that the Appellant

did not register until September 21, 2018.

As there is no documentation to verify that the Appellant registered with WorkForce West Virginia in August 2018, the Respondent's decision to impose a work penalty is correct.

### **CONCLUSION OF LAW**

As the Appellant failed to register with WorkForce West Virginia in a timely manner, the Respondent's action to impose a work penalty is affirmed.

### **DECISION**

It is the decision of the State Hearing Officer to UPHOLD the Respondent's action to terminate SNAP benefits effective September 2018.

**ENTERED this 25th Day of September 2018.**

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**Pamela L. Hinzman**  
**State Hearing Officer**