



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

Jolynn Marra  
Interim Inspector General

November 7, 2018



RE: [REDACTED] v. WV DHHR  
ACTION NO.: 18-BOR-2417

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: Janee Scott, Economic Service Supervisor

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

██████████,

**Appellant,**

**v.**

**ACTION NO.: 18-BOR-2417**

**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 October 25, 2018, on an appeal filed September 21, 2018.

The matter before the Hearing Officer arises from the July 26, 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 twelve months or until compliance, whichever is longer.

At the hearing, the Respondent appeared by Norma Carrico, Economic Service Worker. The Appellant appeared *pro se*. Appearing as a witness for the Appellant was ██████████. The participants were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Hearing Summary
- D-2 Letter from Department to Appellant dated May 30, 2018
- D-3 Case recordings from Appellant's SNAP case record, dated May 31 through September 21, 2018
- D-4 Screen print from Appellant's SNAP case record, Workforce WV Registration
- D-5 Screen print from Appellant's SNAP case record, SNAP Work Requirement Penalty Summary
- D-6 Letter from Department to Appellant dated July 26, 2018
- D-7 Second letter from Department to Appellant dated July 26, 2018

- D-8 Case recordings from Appellant's SNAP case record, all recordings dated September 21, 2018
- D-9 SNAP 6 or 12 Month Contact Form, signed by Appellant on May 20, 2018
- D-10 West Virginia Income Maintenance Manual (WV IMM) Chapter 3, §3.2.1
- D-11 WV IMM Chapter 16, §16.2
- D-12 WV IMM Chapter 14, §14.5

**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 May 30, 2018, the Department sent the Appellant a letter (Exhibit D-3) informing her that she was required to register for employment 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 June 28, 2018.
- 2) On July 25, 2018, a worker at the WV DHHR, [REDACTED] County Office, determined that the Appellant had not registered with WorkForce WV. The worker instigated a sanction against the Appellant, to run from September 2018 through August 2019 (Exhibit D-3).
- 3) On July 26, 2018, the Department sent the Appellant another letter (Exhibit D-6), 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 twelve months or until she complied with the registration requirement, whichever was longer.
- 4) The Department imposed a twelve-month work requirement penalty against the Appellant's receipt of SNAP benefits beginning September 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 individuals must register for employment with WorkForce West Virginia, within 30 days of the date of the original approval, unless exempt according to Section 14.2. Clients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid.

WV Income Maintenance Manual (WV IMM) Chapter 14, §14.5.1.B reads as follows, in part:

A client 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 the full penalty period or until he [or she] reports a change which makes him [or her] exempt from the work requirements.

- First violation: The client is removed from the [assistance group or] AG for at least three months or until he [or she] meets an exemption. If after three months, the client has not complied or met an exemption, the penalty continues until he [or she] 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 [or she] meets an exemption. If after six months, the client has not complied or met an exemption, the penalty continues until he [or she] 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 [or she] meets an exemption. If after the 12 months, the client has not complied or met an exemption, the penalty continues until he [or she] does comply or meets an exemption for some reason other than UCI-related activities.

### **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 May 30, 2018 (Exhibit D-2), the Department notified the Appellant that she needed to register by June 28, 2018, to comply with SNAP policy. WorkForce WV is an employment referral service operated by the WV Bureau of Employment Programs (WV BEP).

The May 30, 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 [June 28, 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 26, 2018, the Department sent the Appellant a letter (Exhibit D-6), informing her that the Department had imposed a sanction (or penalty) against her receipt of SNAP benefits. She added that since the sanction was not due to begin until September 1, the Appellant could have registered by July 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 did not receive the May 30 letter informing her she needed to register with Workforce WV (Exhibit D-2). She testified that she received her mail at her home,

where she had resided with a friend for some time. She stated that the friend was diagnosed with leukemia and had to move in with a family member who provided care for him. She stated she remained at the friend's home, but her mail delivery person did not leave her mail at this location after the friend moved.

The Appellant provided several different mailing addresses to the [REDACTED] County office of the WV DHHR in regards to her benefits. The Department's representative testified that the Department had no record of any mail sent to the Appellant which was returned by the US Postal Service.

It is the responsibility of the Appellant to provide a secure mailing address for receiving correspondence from the WV DHHR. 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. She did not register with WorkForce WV by this date.
- 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 twelve 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 her receipt of SNAP benefits for twelve months, for failing to register with WorkForce WV.

**ENTERED this 7<sup>th</sup> Day of November 2018.**

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**Stephen M. Baisden**  
**State Hearing Officer**