



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

**Bill J. Crouch
Cabinet Secretary**

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

**Jolynn Marra
Interim Inspector General**

December 13, 2018

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.:18-BOR-2678

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-2678

**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 December 12, 2018, with a timely appeal filed October 30, 2018.

The matter before the Hearing Officer arises from the October 26, 2018, decision by the Respondent to reduce the Appellant's Supplemental Nutrition Assistance Program (SNAP) monthly allotment.

At the hearing, the Respondent appeared by Melissa Yost, Economic Service Supervisor. The Appellant appeared *pro se*. Both witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Case Comments from July 2018 through October 2018
- D-2 Employer Statement from ██████████ dated September 27, 2018
- D-3 Employer Statement from ██████████ dated October 30, 2018

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 is a recipient of SNAP benefits for herself and her 4-year-old son.
- 2) The Respondent received a New Hire alert through its online data exchange system with the Bureau for Employment Programs indicating that the Appellant was hired by [REDACTED] on August 30, 2018 (Exhibit D-1).
- 3) Verification of the Appellant's new employment was requested and a statement from [REDACTED] was received on September 27, 2018, confirming that the Appellant was hired on August 30, 2018.
- 4) The employer statement advised that the Appellant had declined to work 33.5 hours per week as scheduled because "it wasn't enough hours" (Exhibit D-2).
- 5) The Respondent imposed a SNAP penalty against the Appellant for voluntarily reducing her hours of work, excluding the Appellant from participation in SNAP effective December 1, 2018.
- 6) The Appellant contacted the Respondent on October 30, 2018, and advised that she was unable to work for [REDACTED] due to a lack of transportation and a lack of child care (Exhibit D-1).
- 7) The Respondent received another statement from [REDACTED] on October 30, 2018, documenting that the Appellant's last day of work was September 9, 2018. No further explanation was given regarding the reason for separation from employment (Exhibit D-3).
- 8) The SNAP penalty remained against the Appellant, reducing her monthly SNAP allotment from \$335 to \$192.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §§14.2 and 14.2.1.A states all Supplemental Nutrition Assistance Program (SNAP) clients are subject to a work requirement, unless exempt.

Work requirements for non-WV WORKS recipients include a penalty for a Voluntary Quit, including Voluntary Reduction in hours. A voluntary quit or reduced hours of employment without good cause results in a period of ineligibility for non-exempt applicants and non-exempt clients. The applicant who takes either of these actions is ineligible for the month of application and two calendar months following the month of application or until he reports a change which makes him exempt from the SNAP work requirement. This three-month period of ineligibility is not counted as one of the applicant's SNAP penalties.

Voluntarily quitting employment after becoming a client results in application of a SNAP penalty for failure to meet the work requirement. Neither an applicant nor a client may be required to return

to the same or comparable employment before eligibility is reestablished. Work-requirement eligibility is reestablished at the end of the three-month period of ineligibility for applicants, or at the end of the appropriate penalty period for clients, unless they report their exempt status earlier.

West Virginia Income Maintenance Manual §14.2.1.B states the following SNAP clients are exempt from the SNAP work requirements and are not subject to a SNAP penalty for failure to comply:

- A person under age 16.
- A person age 16 or 17 who is not the SNAP payee or primary person.
- A person age 16 or 17 who is attending school or enrolled in an employment training program on at least a half-time basis.
- A person enrolled at least half-time in any recognized school, recognized training program, or institution of higher education.
- A person age 60 or over.
- **A parent, or other member of the assistance group (AG) who has the responsibility for the care of a child under the age of six, or of an incapacitated and/or disabled individual.** (emphasis added)
- Individuals receiving Unemployment Compensation Insurance (UCI) from any state.
- Individuals who are physically or mentally unfit to engage in full-time employment.
- Regular participants in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or non-resident basis.
- Individuals who are employed or self-employed and working a minimum of 30 hours per week, or who are receiving weekly earnings equal to the federal minimum wage multiplied by 30 hours.
- Individuals who receive WV WORKS and do not meet any of the other SNAP exemptions listed above, so long as they are subject to, and complying with, a WV WORKS work requirement.

DISCUSSION

Pursuant to policy, all SNAP recipients are subject to work requirements, unless exempt, as a condition of eligibility. SNAP recipients who voluntarily reduce work hours below 30 hours per week, or who voluntarily quit employment, are excluded from participation in SNAP for three (3) months.

The Respondent imposed a SNAP penalty against the Appellant for voluntarily reducing her hours of work with [REDACTED]. The Appellant has the sole responsibility of her child, who is under the age of six (6), and therefore meets one of the exemptions listed in policy from SNAP work requirements.

Whereas the Appellant is exempt from work requirements as stipulated in policy, the Respondent incorrectly imposed a SNAP penalty against her, resulting in a reduction in SNAP benefits.

CONCLUSIONS OF LAW

- 1) Pursuant to policy, all SNAP recipients are subject to work requirements, unless exempt, as a condition of eligibility.
- 2) SNAP recipients who have the responsibility for the care of a child under the age of six are exempt from SNAP work requirements.
- 3) The Appellant has a four-year old child, and is therefore exempt from SNAP work requirements.
- 4) The Respondent incorrectly imposed a SNAP penalty against the Appellant as she is exempt from work requirements.

DECISION

It is the decision of the State Hearing Officer to reverse the decision of the Respondent to impose a work requirement penalty against the Appellant, thereby reducing her monthly Supplemental Nutrition Assistance Program allotment.

ENTERED this 13th day of December 2018

**Kristi Logan
State Hearing Officer**