



**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**

November 14, 2018

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.:18-BOR-2711

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,

Kristi Logan  
State Hearing Officer  
Member, State Board of Review

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

cc: Leslie Bonds, [REDACTED] County DHHR

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

██████████,

**Appellant,**

v.

**Action Number: 18-BOR-2711**

**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 November 14, 2018.

The matter before the Hearing Officer arises from the September 6, 2018, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Leslie Bonds, 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    Hearing Request Notification Form
- D-2    WorkForce West Virginia Registration Letter dated August 3, 2018
- D-3    Notice of Work Requirement Penalty dated September 6, 2018
- D-4    Notice of Termination dated September 6, 2018
- D-5    West Virginia Regional Jails Booking History
- D-6    West Virginia Income Maintenance Manual §§14.3 and 14.5
- D-7    Department Summary

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 applied for SNAP benefits on or around August 1, 2018.
- 2) The Respondent notified the Appellant by letter on August 3, 2018, that he was required to register with WorkForce West Virginia (WorkForce) by September 1, 2018, to continue receiving SNAP benefits (Exhibit D-2).
- 3) A work requirement penalty was imposed against the Appellant on September 6, 2018, when he failed to register with WorkForce (Exhibit D-3).
- 4) The Appellant's SNAP benefits were terminated effective October 1, 2018, as he is the only member of his SNAP assistance group (Exhibit D-4).
- 5) The Appellant was incarcerated from August 14, 2018 and was released on October 17, 2018 (Exhibit D-5).

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual §14.3.1.A states all SNAP recipients must register for employment with WorkForce West Virginia, within 30 days of the date of the original SNAP approval, unless exempt. Recipients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid. Actions which constitute a registration are defined by WorkForce West Virginia and the eligibility system must:

- Match with WorkForce West Virginia. Registration date updated.
- Match the date returned from WorkForce West Virginia is more than 12 months old. The client must register again.
- Match with WorkForce West Virginia with inactive job status and no job preference. The client must choose a job preference and become active to be considered registered.
- Match with WorkForce West Virginia with inactive job status and with job preference. The client must become active to be considered registered.
- Match with WorkForce West Virginia with active job status and no job preference. The client must choose a job preference to be considered registered.

Once the client registers with WorkForce West Virginia for SNAP purposes, he cannot be required to register more often than every 12 months, even when the benefit is opened and closed within the 12-month period. This is tracked through the eligibility system.

West Virginia Income Maintenance Manual §14.5.1.B states that a client who refuses or fails to register with WorkForce West Virginia is subject to the following penalties for the full penalty period or until he reports a change which makes him exempt from the work requirements.

- First violation: The client is removed from the assistance group (AG) for at least three months or until he meets an exemption. If after three 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 (UCI) related activities.
- Second violation: The client is removed from the AG six months or until he meets an exemption. If after six 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 UCI-related activities.
- 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 UCI-related activities.

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 AG who has the responsibility for the care of a child under the age of six, or of an incapacitated and/or disabled individual.
- 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, an individual must register with WorkForce within thirty days of the date of the initial SNAP approval, and yearly thereafter, as a condition of eligibility to receive SNAP benefits, unless an exemption is met.

The Appellant was notified in writing that he was required to register with WorkForce by September 1, 2018. A SNAP penalty was imposed against the Appellant when he failed to register by the due date established by policy.

The Appellant testified that when he applied for SNAP, his caseworker advised him that his work registration was considered active with WorkForce, but that he needed to update his registration within thirty days. The Appellant stated he was incarcerated on August 14, 2018, and did not have time to update his registration. The Appellant also contended that his mail that had been sent from the Respondent had been returned by the postal service, and he had no knowledge of the SNAP penalty until his release.

The Respondent testified that the September 6, 2018, notice of work requirement penalty and SNAP closure was postal-returned, but that work registration letter mailed August 3, 2018 was not. The Respondent testified that the notice incorrectly indicated the Appellant had a previous SNAP work requirement penalty.

The Appellant's contention that he did not have time to update his registration with WorkForce prior to his incarceration is without merit. The Appellant had approximately two (2) weeks to complete this registration, and was notified of the requirement both verbally and in writing.

Whereas the Appellant failed to register with WorkForce within thirty days of his initial SNAP application as required by policy, the Respondent correctly imposed a work registration penalty against the Appellant.

## **CONCLUSIONS OF LAW**

- 1) SNAP applicants must register with WorkForce West Virginia within thirty days of the initial approval to continue receiving SNAP benefits.
- 2) A penalty was applied to the Appellant's SNAP benefits when he failed to register with WorkForce West Virginia by the deadline established by the Respondent.
- 3) The Appellant will be excluded from participation in SNAP for three (3) months as this is his first penalty.

## **DECISION**

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

**ENTERED this 14<sup>th</sup> day of November 2018**

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**Kristi Logan  
State Hearing Officer**