



**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**

December 7, 2018



RE: [REDACTED] v. WVDHHR
ACTION NO.: 18-BOR-2726

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,

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

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

Cc Michael Phillips, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 18-BOR-2726

**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 6, 2018, on an appeal filed November 7, 2018.

The matter before the Hearing Officer arises from the October 12, 2018 decision by the Respondent to terminate Supplemental Nutrition Assistance Program (SNAP) benefits effective November 2018.

At the hearing, the Respondent appeared by Michael Phillips, Economic Services Supervisor, 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 September 11, 2018
- D-2 Notice of Decision dated October 12, 2018
- D-3 Fair Hearing Request Form received by Respondent on November 7, 2018
- D-4 Screenshot of case file search

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 September 11, 2018, the Respondent sent the Appellant a Notice of Decision (D-1), indicating that he was required to register with the Bureau of Employment Programs/WorkForce West Virginia by October 10, 2018.
- 3) The Appellant failed to verify his WorkForce West Virginia registration by October 10, 2018, and a check of the Respondent's data exchange with WorkForce West Virginia verified that the Appellant had not registered.
- 4) The Respondent sent the Appellant a notice on October 12, 2018 (D-2), indicating that his SNAP benefits would be terminated effective November 1, 2018 due to the imposition of a work penalty.
- 5) The Respondent's work penalty will run from November 2018 through January 2019.

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 recipients are subject to a work requirement, unless exempt. A non-WV WORKS recipient who refuses or fails to register with WorkForce West Virginia 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 he received neither the letter requiring him to register with WorkForce West Virginia, nor the SNAP termination letter. He stated that he believes his neighbors are nosy and get into his mailbox at times. The Appellant testified that he registered with WorkForce West Virginia three weeks ago. The Respondent's representative testified that the Appellant's notices were not returned to the Department as undeliverable.

As the Appellant's notification letters were not returned to the Respondent as undeliverable, 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 November 2018.

ENTERED this 7th Day of December 2018.

Pamela L. Hinzman
State Hearing Officer