



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
2699 Park Avenue, Suite 100
Huntington, WV 25704

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

January 5, 2018

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 17-BOR-2807

Dear Ms. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matters.

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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Myra Pack, Department Representative

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

██████████,

Appellant,

v.

Action No.: 17-BOR-2807

**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 29, 2017, on an appeal filed November 8, 2017.

The matter before the Hearing Officer arises from the Respondent's September 22, 2017 decision to terminate the Appellant's SNAP benefits due to a work requirement penalty.

At the hearing, the Respondent appeared by Myra Pack. The Appellant appeared *pro se*. Both witnesses were sworn and the following documents were admitted into evidence.

EXHIBITS

Department's Exhibits:

- | | |
|-----|---|
| D-1 | Data system screen print Case Summary |
| D-2 | Data system screen print SNAP Work Requirement Penalty Summary |
| D-3 | Data system screen print SNAP Work Requirement Penalty Request |
| D-4 | Data system screen print WorkForce WV Registration Details |

- D-5 Data system screen print
 Case Comments
- D-6 West Virginia Income Maintenance Manual (WVIMM)
 Chapter 14 (excerpt)
- D-7 Notice of decision, dated August 22, 2017
 Notice of decision, dated September 22, 2017
 Notice of decision, dated September 22, 2017

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 SNAP benefits.
- 2) By notice dated August 22, 2017, the Respondent advised the Appellant of mandatory work requirements in her case – specifically, that she must “register with WorkForce West Virginia and notify us of your registration” by September 20, 2017. (Exhibit D-7)
- 3) The Appellant did not comply with the mandatory work requirements in her case by this deadline.
- 4) By notice dated September 22, 2017, the Respondent advised the Appellant that a third work requirement penalty would be applied to her SNAP case due to her failure to register with WorkForce West Virginia. (Exhibit D-7)
- 5) A separate notice – also dated September 22, 2017 – from the Respondent informed the Appellant that the result of this penalty would be termination of her SNAP benefits for twelve months, effective after October 31, 2017. (Exhibit D-7)

APPLICABLE POLICY

The West Virginia Income Maintenance Manual (WVIMM), at §14.3.1.A, sets the work registration requirements for SNAP, and reads, in pertinent 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...” This policy further notes that a SNAP recipient who fails to comply by the due date established on the notice to register is subject to a SNAP penalty as specified in §14.5.

The WVIMM, at §14.5.1.B, defines this work penalty as removal from the SNAP assistance group “for 12 months or until he meets an exemption” for third and subsequent violations of the work registration requirements.

DISCUSSION

The Appellant requested a fair hearing based on the decision of the Respondent to terminate her SNAP benefits based on a work requirement penalty. The Respondent must show by a preponderance of the evidence that it correctly applied this penalty, resulting in the Appellant’s removal from the SNAP assistance group and case closure.

The Appellant did not dispute that she failed to register for WorkForce West Virginia by the established deadline. The Appellant did not propose that she met any exemptions to this policy. The Appellant offered unconvincing testimony that she did not receive the notices advising her of this requirement. The notices issued by the Respondent were not returned by the U.S. Postal Service. There was no dispute that the sanction proposed by the Respondent was a third sanction, or that her household is a single-person assistance group.

The Respondent proved that it was correct to remove the Appellant from her SNAP assistance group – resulting in case closure for a single-person assistance group – based on the failure to register for work by the established deadline.

CONCLUSIONS OF LAW

- 1) Because the Appellant did not meet SNAP work registration requirements, the Respondent must apply a work requirement penalty.
- 2) Because the penalty is a third penalty, the Respondent must remove the Appellant from her SNAP assistance group for twelve months.
- 3) Because the Appellant was the sole member of her SNAP assistance group, this removal results in the closure of the Appellant’s SNAP case.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Respondent’s decision to terminate the Appellant’s SNAP benefits based on a work requirement penalty.

ENTERED this ____ Day of January 2018.

Todd Thornton
State Hearing Officer