



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Jim Justice
Governor

Bill J. Crouch
Cabinet Secretary

January 12, 2018



RE: [REDACTED] v. WVDHHR
ACTION NO.: 17-BOR-2900

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 Jessica Koch, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 17-BOR-2900

**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 January 4, 2018, on an appeal filed December 1, 2017.

The matter before the Hearing Officer arises from the November 3, 2017 decision by the Respondent to terminate Supplemental Nutrition Assistance Program (SNAP) benefits effective December 2017.

At the hearing, the Respondent appeared by Jessica Koch, 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 West Virginia Income Maintenance Manual Chapters 14.2.1, 14.2.1.A, 14.3.1.A and 14.5
- D-2 Notice of Decision dated October 2, 2017
- D-3 Notice of Decision dated November 3, 2017
- D-4 Notice of Decision dated November 3, 2017
- D-5 Case Comments
- D-6 WorkForce West Virginia Registration information

The hearing record remained open through January 5, 2018 to allow the Appellant an opportunity to submit additional verification; however, no documentation was received by the Hearing Officer.

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 October 2, 2017, the Appellant was notified (D-2) that he was required to register with WorkForce West Virginia/West Virginia Bureau of Employment Programs (BEP) by October 31, 2017.
- 3) The Appellant failed to register with WorkForce, and was notified on November 3, 2017 (D-3 and D-4) that his SNAP benefits would be terminated effective December 2017 due to the imposition of a three-month work program sanction.
- 4) The Appellant visited the WVDHHR office on December 1, 2017 to request a fair hearing. Case Comments from the Respondent's computer system (D-5) state that a supervisor checked the Appellant's registration status at that time and verified that he registered with WorkForce on December 1, 2017 (D-6).

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 14.2.1.A (D-1) states that all SNAP clients are subject to a work requirement, unless exempt. Chapter 14.5.1.B (D-1) 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 months or until he meets an exemption, whichever is later.

DISCUSSION

Individuals who are mandatory work registrants for SNAP must register with WorkForce West Virginia/BEP. Policy states that a recipient who fails to register by the established due date is subject to a SNAP penalty.

The Respondent sent written correspondence to the Appellant in October 2017, informing him that he was required to register with WorkForce by October 31, 2017. The Appellant was notified on November 3, 2017 that he would be subject to a work program sanction effective December 2017

for failing to verify WorkForce registration.

The Appellant contended during the hearing that he registered with WorkForce West Virginia on November 1, 2017 and visited the Respondent's office to inform a worker that he had registered. He testified that he was denied the right to speak to a worker and told to request a hearing. No evidence was provided to verify a registration date of November 1, 2017, and the Respondent's documentation indicates that the Appellant registered with WorkForce on December 1, 2017 after the work sanction was already in effect. Therefore, the Respondent's decision to apply a work sanction was correct.

CONCLUSION OF LAW

As the Appellant was notified in October 2017 that he was required to register with WorkForce West Virginia - and no evidence was provided to verify that he registered prior to December 1, 2017 after the sanction was already in effect - the Respondent's action to impose the 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 December 2017.

ENTERED this 12th Day of January 2018.

Pamela L. Hinzman
State Hearing Officer