



**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 11, 2018

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 18-BOR-2763

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: Leslie Gilbert, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 18-BOR-2763

**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 11, 2018.

The matter before the Hearing Officer arises from the October 2, 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 31, 2018
- D-3 Notice of Work Requirement Penalty dated October 2, 2018
- D-4 Notice of Work Requirement Penalty dated October 15, 2018
- D-5 Notice of Termination dated October 2, 2018
- D-6 West Virginia Income Maintenance Manual §14.3
- D-7 West Virginia Income Maintenance Manual §14.5
- D-8 Department's 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 was a recipient of SNAP benefits for herself and her son, [REDACTED].
- 2) The Respondent notified the Appellant by letter on August 31, 2018, that she and Mr. [REDACTED] were required to register with WorkForce West Virginia (WorkForce) by September 29, 2018, to continue receiving SNAP benefits (Exhibit D-2).
- 3) The August 31, 2018, letter informed the Appellant that if they did not register by the due date of September 29, 2018, but by the end of the month in which the WorkForce registration was due, she must contact the local office (Exhibit D-2).
- 4) A work requirement penalty was imposed against the Appellant on October 2, 2018, when she failed to register with WorkForce (Exhibit D-3).
- 5) A work requirement penalty was imposed against [REDACTED] on October 15, 2018, when he failed to register with WorkForce (Exhibit D-4).
- 6) The Appellant's SNAP benefits were terminated effective November 1, 2018, as she and [REDACTED] are the only members of the SNAP assistance group (Exhibit D-5).
- 7) The Appellant and [REDACTED] registered with WorkForce on October 4, 2018.
- 8) On October 12, 2018, the Appellant left a voice mail message with her caseworker, leaving only her name on the recording.

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.

A client who fails to comply by the due date established on the notice to register is subject to a SNAP penalty and the Worker must send an adverse action notice. The penalty is not imposed and any lost benefits are restored if, before the end of the month in which the adverse notice expires, the following occurs:

- The client registers; **and**

- The client notifies the Department of Health and Human Resources (DHHR) that he has registered. If the worker independently discovers before the penalty goes into effect that the client has registered before the end of the month in which the adverse notice expires, the penalty may be lifted and benefits restored. There is no requirement on the Department, however, to attempt to independently verify if the client has registered after the date the penalty is entered into the 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.

DISCUSSION

Pursuant to policy, an individual must register with WorkForce yearly as a condition of eligibility to receive SNAP benefits, unless an exemption is met.

If an individual fails to register with WorkForce by the due date listed on the registration request letter, but registration is completed prior to the effective date of the SNAP penalty and the Respondent is notified of the registration, the penalty may be removed.

The Appellant was notified that she and [REDACTED] were required to register with WorkForce by September 29, 2018. A SNAP penalty was imposed against the Appellant and Mr. [REDACTED] when they failed to register, effective November 1, 2018.

The Appellant contended that she left multiple voice mail messages with her caseworker to report the WorkForce registration, but was not able to speak with him until November, after the SNAP penalties went into effect. The Appellant testified that her phone services was turned off for a period of time.

The Respondent argued that the only voice mail message received from the Appellant was on October 12, 2018, in which the Appellant left only her name, and no message or phone number to return her call.

Whereas the Appellant did not notify the Respondent that she and her son completed the WorkForce registration until after the SNAP penalty was imposed, the penalty cannot be removed.

CONCLUSIONS OF LAW

- 1) SNAP recipients must register with WorkForce West Virginia yearly to receive SNAP benefits.
- 2) A penalty was applied to the Appellant's SNAP benefits when she and [REDACTED] failed to register with WorkForce West Virginia by the deadline established by the Respondent.
- 3) The Appellant and Mr. [REDACTED] registered with WorkForce West Virginia subsequent to the imposition of the SNAP penalty, but did not report the registration until after the penalty went into effect.
- 4) The Appellant and [REDACTED] will be excluded from participation in SNAP for the minimum penalty period of three (3) months, as this is their first offense.

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 11th day of December 2018.

Kristi Logan
State Hearing Officer