



**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**

February 12, 2019

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.:19-BOR-1064

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: Melissa Yost, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 19-BOR-1064

**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 February 7, 2019, on an appeal filed on January 3, 2019.

The matter before the Hearing Officer arises from the December 13, 2018, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Angela Proffitt, Economic Service Worker. The Appellant appeared *pro se*. Both witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 WorkForce West Virginia Registration Letter dated October 19, 2018
- D-2 Notice of Work Requirement Penalty dated December 13, 2018
- D-3 Notice of Termination dated December 13, 2018
- D-4 WorkForce West Virginia Registration History
- D-5 SNAP Work Requirement Penalty 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.
- 2) The Respondent notified the Appellant by letter on October 19, 2018, that he was required to register with WorkForce West Virginia (WorkForce) by November 17, 2018, to continue receiving SNAP benefits (Exhibit D-1).
- 3) A work requirement penalty was imposed against the Appellant when he failed to register with WorkForce by the due date (Exhibit D-2).
- 4) The Appellant's SNAP benefits were terminated effective January 1, 2019, as he is the only member of his SNAP assistance group (Exhibit D-4).
- 5) The Appellant registered with WorkForce on January 4, 2019 (Exhibit D-4).
- 6) This is the Appellant's second work requirement penalty (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. WorkForce registration must be for SNAP purposes to be considered a valid and current registration.

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.

The Appellant was notified that he was required to register with WorkForce by November 17, 2018. A work registration penalty was imposed on December 13, 2018, when the Respondent determined that his WorkForce registration was not current. The Appellant registered with WorkForce on January 4, 2019, after the work requirement penalty went into effect.

The Appellant contended that he did not receive the notice that he was required to register with WorkForce, or the work requirement penalty letter or SNAP termination letter. The Appellant testified that when his SNAP benefits had not been deposited onto his EBT card in January, he visited the ██████ County office and learned that he was under a work requirement penalty. The Appellant testified that he uses his parents' mailing address, and is usually notified when he has received mail. The Appellant confirmed the address on record with the Respondent was correct.

Although the Appellant registered with WorkForce on January 4, 2019, once a work requirement penalty has taken effect, it cannot be removed, unless an exemption is met.

Whereas the Appellant had not updated his WorkForce registration within 12 months as required by policy, or met an exemption, the Respondent correctly imposed a work requirement penalty against him.

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 he failed to register with WorkForce West Virginia by the deadline established by the Respondent.

- 3) The Appellant registered with WorkForce West Virginia subsequent to the imposition of the SNAP penalty.
- 4) The Appellant will be excluded from participation in SNAP for the minimum penalty period of six (6) months, as this is his second 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 12th day of February 2019.

**Kristi Logan
State Hearing Officer**