



**STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL**

**Bill J. Crouch  
Cabinet Secretary**

**BOARD OF REVIEW  
Berkeley County DHHR  
PO Box 1247  
Martinsburg, WV 25402**

**Jolynn Marra  
Interim Inspector General**

May 9, 2019

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 19-BOR-1541

Dear [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,

Lori Woodward  
State Hearing Officer  
Member, State Board of Review

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

cc: John Oglesbee, BCF, [REDACTED] Co. DHHR

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

██████████,

**Appellant,**

**v.**

**ACTION NO: 19-BOR-1541**

**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 April 30, 2019, on an appeal filed April 5, 2019.

The matter before the Hearing Officer arises from the Respondent's March 12, 2019 decision to impose a three-month work requirement penalty resulting in the termination of the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by John Oglesbee, Economic Services Supervisor. The Appellant appeared *pro se*. All witnesses were sworn, and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 inROADS SNAP application dated January 30, 2019
- D-2 Notice of work registration requirement dated January 31, 2019
- D-3 Case Comments from the Appellant's eRAPIDS case from August 15, 2005 through March 11, 2019
- D-4 Notice (AE06) of work registration penalty, dated March 12, 2019
- D-5 Notice (EDC1) of SNAP closure, dated March 12, 2019
- D-6 WorkForce Registration Details screen print from the Appellant's eRAPIDS case
- D-7 Case Comments from the Appellant's eRAPIDS case from August 15, 2005 through April 5, 2019
- D-8 West Virginia Income Maintenance Manual (WV IMM) Chapter 14, §14.3.1.A (except)
- D-9 West Virginia Income Maintenance Manual (WV IMM) Chapter 14, §14.5

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 made an online application for SNAP benefits and a telephone interview was completed on January 30, 2019. (Exhibit D-1)
- 2) On January 31, 2019, the Respondent sent notification to the Appellant regarding SNAP work registration requirements, explaining that he was required to comply with WorkForce WV registration or meet an exemption, and must notify the Respondent by March 1, 2019. The notice further instructed if the Appellant needed additional information or had any questions, he should contact the local office or Client Services at 1-800-642-8589. (Exhibit D-2)
- 3) On March 11, 2019, the Respondent was alerted by the eligibility system that the Appellant was in an inactive job status in the WorkForce WV system. (Exhibit D-3)
- 4) The client must become active to be considered registered. (Exhibit D-8)
- 5) On March 12, 2019, the Respondent sent notification to the Appellant that a three (3) month work requirement penalty was being applied against him. (Exhibit D-5)
- 6) The Respondent sent notification of SNAP closure to the Appellant on March 12, 2019. (Exhibit D-6)

### **APPLICABLE POLICY**

IMM §14.3.1.A, *Registration Requirements*, in part, explains that 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, 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 Supplemental Nutrition Assistance Program (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.

The client may register by visiting a WorkForce West Virginia office, or by registering online. The Worker must explain these requirements to the client and enter the registration date in the eligibility system.

IMM §14.5.1.B, requires a client who refuses or fails to register with WorkForce, refuses employment, or refuses to provide information about employment status and job availability 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. See Section 14.2 for exemptions.

- 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**

The Appellant applied online for SNAP benefits and completed a telephone interview on January 30, 2019. On January 31, 2019, notice was sent to the Appellant informing him about the SNAP mandatory WorkForce WV registration. The notice explained that the Appellant needed to register with WorkForce WV and to notify the local office of his registration by March 1, 2019. The notice also explained that if the Appellant registered after that date, but before the end of that month, or if he claimed an exemption from the work requirement policy, he needed to contact the local office. On March 11, 2019, the Respondent's worker received an eligibility system alert that the Appellant's WorkForce WV registration status was inactive. Notifications of the application of the work requirement penalty and resulting SNAP closure were sent to the Appellant on March 12, 2019.

The Appellant proffered that he has difficulty with reading comprehension and did not understand that he needed to be "active" with WorkForce WV. He testified that he went online to the WorkForce WV website which indicated he was registered with WorkForce WV. He testified that it was his belief that because he updated his information online, that the registration requirement

would be fulfilled. Although he may have misunderstood what is considered as “active” in the WorkForce WV system, he never took the next step in contacting the local office after his presumed WorkForce WV registration. The January 31, 2019 notice clearly stated in plain language that he needed “to register with WorkForce West Virginia and notify us of your registration by the dates listed: [REDACTED] 03/01/19.” [Emphasis added]. The Appellant did not contact the local office until April 5, 2019, after his SNAP benefits were closed.

The Appellant’s contention that he has difficulty with reading comprehension is without much merit. His choice to use online options as opposed to face-to-face options for his SNAP application and WorkForce WV registration suggests that he does have enough reading comprehension to prefer online options.

The Appellant was given proper notice on March 12, 2019 of the WorkForce WV penalty to be effective by March 31, 2019. Because the Appellant is not actively registered with WorkForce WV, the Respondent’s decision to apply a three (3) month SNAP work requirement penalty is affirmed.

### **CONCLUSIONS OF LAW**

- 1) SNAP eligibility requires a non-exempt applicant to register with WorkForce within 30 days from SNAP application and then every 12 months thereafter.
- 2) The Appellant was required to register with WorkForce WV by March 1, 2019.
- 3) Because the Appellant was not in an active status with WorkForce WV or did not meet an exemption prior to the registration deadline, a work penalty must be imposed.
- 4) The Respondent correctly applied a three (3) month SNAP work requirement penalty against the Appellant.

### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the Respondent’s decision to apply a work requirement penalty to the Appellant for three (3) months.

**ENTERED this 9<sup>th</sup> day of May 2019.**

---

Lori Woodward, State Hearing Officer