



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

Bill J. Crouch
Cabinet Secretary

Jolynn Marra
Interim Inspector General

July 31, 2019

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 19-BOR-2012

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

Cc Holly Dennison, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 19-BOR-2012

**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 July 30, 2019, on an appeal filed July 10, 2019.

The matter before the Hearing Officer arises from the May 31, 2019 decision by the Respondent to terminate Supplemental Nutrition Assistance Program (SNAP) benefits effective July 2019.

At the hearing, the Respondent appeared by Jessica Stalnaker, Economic Services Supervisor, and Holly Dennison, Economic Service Worker. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Screenshot of WorkForce West Virginia Registration screen from Respondent's computer system
- D-2 West Virginia Income Maintenance Manual Chapter 14.3
- D-3 Notice of Decision requesting WorkForce West Virginia registration dated April 30, 2019
- D-4 Notices of Decision dated May 31, 2019

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 April 30, 2019, the Respondent sent the Appellant a Notice of Decision (D-3), indicating that she was required to register with the Bureau of Employment Programs/WorkForce West Virginia by May 29, 2019.
- 3) The Appellant failed to verify her WorkForce West Virginia registration by May 29, 2019.
- 4) The Respondent sent the Appellant Notices of Decision on May 31, 2019 (D-4), indicating that her SNAP benefits would be terminated effective June 30, 2019 due to the imposition of a work penalty.
- 5) A subsequent check of the Respondent's data exchange with WorkForce West Virginia verifies that the Appellant had not registered as of July 10, 2019 (D-1).
- 6) The Respondent's work penalty will run from July 2019 through September 2019 (D-4).

APPLICABLE POLICY

West Virginia Income Maintenance Manual Chapter 14.2 1.A states that all SNAP clients are subject to a work requirement, unless exempt. Chapter 14.5.1.B 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 (3) months or until he meets an exemption, whichever is later.

DISCUSSION

Policy states that all SNAP recipients are subject to a work requirement, unless exempt. A non-WV WORKS recipient who refuses or fails to register with WorkForce West Virginia is subject to a penalty for at least the minimum penalty period or until he reports a change which makes him exempt from work requirements.

The Appellant testified that she was in the process of moving to another location in [REDACTED] County between April and May 2019, and that she did not receive the Respondent's correspondence regarding the need for her WorkForce West Virginia registration. She believes that she previously registered with WorkForce, and indicated that she has been experiencing mental health issues.

Jessica Stalnaker, Economic Services Supervisor, testified that the April 30, 2019 notice requesting that the Appellant register with WorkForce was not returned to the Department as undeliverable; however, the termination notices sent on May 30, 2019 were returned to the Department. Ms. Stalnaker stated that the Respondent would consider a possible medical exemption for the Appellant if she provides a physician's statement indicating that she is currently unable to work due to mental health issues.

As the April 30, 2019 letter requesting WorkForce West Virginia registration was not returned to the Respondent as undeliverable, the Respondent's decision to impose a work penalty is correct.

CONCLUSION OF LAW

As the Appellant failed to register with WorkForce West Virginia in a timely manner, the Respondent's action to impose a 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 July 2019.

ENTERED this 31st Day of July 2019.

**Pamela L. Hinzman
State Hearing Officer**