



**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**

July 31, 2019

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.:19-BOR-2016

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: Margaret Fain, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 19-BOR-2016

**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 25, 2019, on an appeal filed July 10, 2019.

The matter before the Hearing Officer arises from the May 9, 2019, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

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

Department's Exhibits:

None

Appellant's Exhibits:

None

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 Appellant is required to register with WorkForce West Virginia (WorkForce) yearly as a condition to receive SNAP benefits.
- 3) The Appellant completed a telephone interview with her caseworker on April 25, 2019, as part of a SNAP eligibility redetermination.
- 4) A work requirement penalty was imposed against the Appellant on or around May 9, 2019, when she failed to register with WorkForce.
- 5) The Appellant's SNAP benefits were terminated effective May 31, 2019, as she is the only member of her SNAP assistance group.
- 6) The Appellant registered with WorkForce on June 10, 2019.

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.

The Worker must enter the appropriate information in the eligibility system at any point during the certification period when the client is due to register with WorkForce West Virginia. The eligibility system uses this information to send the client the notice to register 30 days prior to the due date.

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. When an individual is due to register with WorkForce during the certification period, notice of the registration requirement must be sent 30 days prior to the due date.

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 Respondent contended that the Appellant was notified of the WorkForce registration requirement by letter dated March 29, 2019. The Respondent's witness testified that notice of the

WorkForce registration requirement was mailed to the address listed on the Appellant's SNAP review form at [REDACTED]. A SNAP penalty was imposed against the Appellant when she failed to register, effective May 31, 2019. The Appellant registered with WorkForce on June 10, 2019, after the SNAP penalty went into effect.

The Appellant argued that during the April 25, 2019 telephone interview, she asked her caseworker if anything else was needed for her SNAP eligibility, and was advised that there was not. The Appellant testified that she moved to [REDACTED] on April 29, 2019, and this change of address was reported during the telephone interview. The Appellant denied receipt of the March 2019 work registration letter.

The Respondent failed to provide corroborating evidence that the Appellant was properly notified of the registration requirement 30 days prior to the imposition of the SNAP penalty.

Whereas the Respondent failed to provide evidence to support that the Appellant was properly notified of the WorkForce registration requirement 30 days prior to the imposition of the SNAP penalty, the Respondent incorrectly terminated her SNAP benefits.

CONCLUSIONS OF LAW

- 1) SNAP recipients must register with WorkForce West Virginia yearly to receive SNAP benefits.
- 2) When a SNAP recipient is due to register with WorkForce West Virginia during the certification period, the Respondent must send notice of the requirement to register within 30 days.
- 3) A penalty was applied to the Appellant's SNAP benefits when she failed to register with WorkForce West Virginia by the deadline established by the Respondent.
- 4) The Appellant registered with WorkForce West Virginia subsequent to the imposition of the SNAP penalty.
- 5) The Respondent failed to prove that the Appellant was properly notified of the WorkForce West Virginia registration requirement 30 days prior to the imposition of the SNAP penalty.
- 6) The work registration penalty was incorrectly imposed against the Appellant.

DECISION

It is the decision of the State Hearing Officer to **reverse** the decision of the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program benefits.

ENTERED this 31st day of July 2019.

**Kristi Logan
State Hearing Officer**