



**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**

August 7, 2019

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.:19-BOR-2056

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-2056

**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 August 6, 2019, on an appeal filed July 17, 2019.

The matter before the Hearing Officer arises from the June 3, 2019, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Darlene 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 Respondent notified the Appellant by letter on April 29, 2019 that he was required to register with WorkForce West Virginia (WorkForce) by May 29, 2019, or meet an exemption, to continue receiving SNAP benefits.
- 3) The work registration letter was mailed to [REDACTED].
- 4) A work requirement penalty was imposed against the Appellant on or around June 3, 2019, when he failed to register with WorkForce.
- 5) The Appellant's SNAP benefits were terminated effective July 1, 2019, as he is the sole member of his SNAP assistance group.

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.

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.

West Virginia Income Maintenance Manual §14.2.1.B states the following SNAP clients are exempt from the SNAP work requirements and are not subject to a SNAP penalty for failure to comply:

- A person under age 16.
- A person age 16 or 17 who is not the SNAP payee or primary person.
- A person age 16 or 17 who is attending school or enrolled in an employment training program on at least a half-time basis.
- A person enrolled at least half-time in any recognized school, recognized training program, or institution of higher education.
- A person age 60 or over.
- A parent, or other member of the AG who has the responsibility for the care of a child under the age of six, or of an incapacitated and/or disabled individual.
- Individuals receiving Unemployment Compensation Insurance (UCI) from any state.
- Individuals who are physically or mentally unfit to engage in full-time employment.
- Regular participants in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or non-resident basis.
- Individuals who are employed or self-employed and working a minimum of 30 hours per week, or who are receiving weekly earnings equal to the federal minimum wage multiplied by 30 hours.

- Individuals who receive WV WORKS and do not meet any of the other SNAP exemptions listed above, so long as they are subject to, and complying with, a WV WORKS work requirement.

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 May 29, 2019. A work registration penalty was imposed on June 3, 2019, when he failed to register with WorkForce.

The Appellant testified that he is homeless and the [REDACTED] address is his estranged mother's address. The Appellant stated that he was unsure if his mother still resided at that address, but continued to use the address as his mailing address because it matches the address listed on his identification card. The Appellant contended that he did not receive the work registration letter or SNAP termination letter, and only learned of the SNAP penalty when he contacted the Respondent after his July SNAP benefits were not deposited onto his electronic benefit transfer (EBT) card.

The Appellant provided an invalid address to the Respondent to send correspondence regarding his SNAP eligibility. The Appellant has the responsibility to provide the Respondent accurate information regarding his household circumstances. While the Appellant testified that he has no permanent residence, there was no evidence presented to indicate that the Respondent had knowledge of the Appellant's circumstances or an alternate mailing address with which to correspond.

Whereas the Appellant failed to register with WorkForce as required by policy, or meet 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, unless an exemption is met.
- 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 failed to notify the Respondent that his address on record was no longer valid.
- 4) The Appellant failed to register with WorkForce and does not meet an exemption listed in policy, therefore, the work registration penalty was correctly imposed.

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 benefits.

ENTERED this 7th day of August 2019.

Kristi Logan
State Hearing Officer