



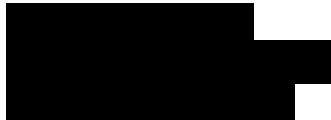
**STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL**

**Bill J. Crouch**  
Cabinet Secretary

**BOARD OF REVIEW  
State Capitol Complex  
Building 6, Room 817-B  
Charleston, West Virginia 25305  
Telephone: (304) 558-2278 Fax: (304) 558-1992**

**Jolynn Marra**  
Interim Inspector General

September 5, 2019



RE: [REDACTED] v. WVDHHR  
ACTION NO.: 19-BOR-2116

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,

Angela D. Signore  
State Hearing Officer  
Member, State Board of Review

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

cc: Lorene Baldwin, WVDHHR, [REDACTED] County

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

[REDACTED],

**Appellant,**

v.

**Action Number: 19-BOR-2116**

**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 [REDACTED]. 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 20, 2019, on an appeal filed July 30, 2019.

The matter before the Hearing Officer arises from the May 06, 2019, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Lorene Baldwin, 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 DHHR Case Comments, dated May 03, 2019
- D-2 Notice (CMOB) of work requirement, dated May 06, 2019.
- D-3 DHHR Case Comments, dated June 04, 2019
- D-4 Notice (AEO6) of work requirement penalty, dated June 05, 2019
- D-5 Closure Notice (EDC1), dated June 05, 2019
- D-6 DHHR Case Comments, dated July 30, 2019
- D-7 Fair Hearing Request, received July 30, 2019
- D-8 Screen print of WorkForce WV Registration Details from Appellant's eRAPIDS case
- D-9 WV Income Maintenance Manual (WV IMM), §§14.2.1.A, 14.2.1.B, 3.2.1.A.1

**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 was a member of a one-person Assistance Group (AG) for SNAP.
- 3) On May 06, 2019, the Respondent issued a notice of decision to the Appellant informing her that she was eligible for benefits beginning June 01, 2019 with an end date of April 30, 2020.
- 4) A second May 06, 2019 notice was issued to the Appellant informing her to register with WorkForce WV and notify the Department of Health and Human Resources (DHHR) once registration was complete. The notice read that the date of her registration deadline was June 02, 2019. (Exhibit D-2)
- 5) On June 04, 2019, the Respondent received a computer-generated alert that the Appellant failed to register with WorkForce WV. (Exhibit D-3)
- 6) On June 05, 2019, the Respondent issued the Appellant two notices of decision informing her that effective July 01, 2019, a SNAP work requirement penalty would be applied to her benefits for failure to register with WorkForce WV. The notices informed her that she would remain ineligible for SNAP benefits for a period of six (6) months or until she complied with the registration requirement or met an exemption, whichever was longer. (Exhibits D-4 and D-5)
- 7) This is the Appellant's second violation of the SNAP work requirement. (Exhibit D-4)
- 8) The Appellant attempted to register with WorkForce WV June 03, 2019. (Exhibit D-8)

### **APPLICABLE POLICY**

WV IMM § 14.2 reads all SNAP clients are subject to a work requirement unless exempt.

WV IMM § 14.3.1.A Registration Requirements provides in part:

All individuals register for employment with WorkForce WV, within thirty (30) days of the date of the original approval. Individuals must register every twelve (12) months thereafter, regardless of the length of time that WorkForce WV 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.

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 WV. The eligibility system uses this information to send the client the notice to register thirty (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 adverse notice expires, the following occurs: the client registers with WorkForce WV, the individual notifies the DHHR that he or she has registered. If the worker discovers the registration before the penalty goes into effect that the client has registered before the end of the month which the adverse action expires, the penalty may be lifted, and benefits restored.

WV IMM § 14.3.1.B WorkForce WV provides in part:

During the application and redetermination process, the eligibility system will present a registration date obtained from WorkForce WV. If the client is not registered, no date will be returned. During the certification period, the worker may request the registration date through the eligibility system. When the client is due to re-register, he must show activity to fulfill this requirement. The date of the re-registration is the date of the last action with WorkForce WV or the due date of the re-registration, whichever is later.

WV IMM § 14.5.1.B Non-Voluntary Quit Penalties provides in part:

An individual who refuses or fails to register with WorkForce WV is subject to the following penalties for the full penalty period or until he or she reports a change which makes him or her exempt from the work requirements. For a second violation, the individual is removed from the SNAP AG for at least six (6) months or until he meets an exemption, whichever is later.

## **DISCUSSION**

Pursuant to policy, an individual must register with WorkForce WV yearly as a condition of eligibility to receive SNAP benefits, unless an exemption is met.

If an individual fails to register with WorkForce WV 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.

On May 06, 2019, the Respondent issued a letter to the Appellant notifying her that she was approved for SNAP benefits beginning June 01, 2019 with an end date of April 30, 2020. On this date, a second notice was also issued advising the Appellant of her requirement to register with WorkForce WV or meet an exemption by June 02, 2019, or a SNAP penalty would be imposed.

On June 05, 2019, when the Appellant failed to register or meet an exemption, the Respondent issued another letter stating that a SNAP work requirement penalty had been applied and that SNAP benefits would terminate effective July 01, 2019.

The Appellant testified that on June 03, 2019, she attempted to register for WorkForce WV via the online portal. She further stated that because she had received the May 06, 2019 notice and the June 2019 allotment of SNAP benefits, she was under the assumption that she had registered correctly.

Although evidence revealed the Appellant attempted to register on June 2, 2019, in order to be considered “registered” for SNAP purposes, the Appellant must show both an active status and a job preference selection. Because the Appellant failed to select a job preference as required by policy, she did not meet registration requirements.

## **CONCLUSIONS OF LAW**

- 1) The Appellant was required to comply with SNAP work requirements by either registering with WorkForce WV or meeting an exemption no later than June 02, 2019.
- 2) The Appellant failed to register with WorkForce WV or meet an exemption by June 02, 2019 deadline.
- 3) Pursuant to WV DHHR policy found in WV IMM §14.3.1.A, the Respondent acted correctly to impose a sanction against the Appellant’s receipt of SNAP benefits, effective July 1, 2019.
- 4) Because this is the Appellant’s second violation of work requirement policy, her SNAP benefits are terminated for a period of six (6) months, or she meets an exemption, effective July 1, 2019.

### **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 for a period of six months beginning July 1, 2019 for failure to comply with the work requirement.

**ENTERED this \_\_\_\_\_ day of September, 2019.**

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Angela D. Signore  
**State Hearing Officer**