



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

**Bill J. Crouch  
Cabinet Secretary**

**BOARD OF REVIEW  
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**Jolynn Marra  
Interim Inspector General**

January 25, 2019

[REDACTED]

RE: [REDACTED] v. WVDHHR  
ACTION NO.:18-BOR-2885

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,

Danielle C. Jarrett  
State Hearing Officer  
Member, State Board of Review

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

cc: Darlene Smith, Department Representative

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

██████████,

**Appellant,**

v.

**Action Number: 18-BOR-2885**

**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 January 10, 2019, on an appeal filed December 10, 2018.

The matter before the Hearing Officer arises from the November 16, 2018 decision by the Respondent to apply a work requirement penalty to the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits for failure to comply with the work requirement.

At the hearing, the Respondent appeared by Darlene Smith, Department Representative, WVDHHR. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Notice of Decision, dated October 16, 2018
- D-2 Notice of Decision, dated November 16, 2018
- D-3 Notice of Closure, dated November 16, 2018
- D-4 eRAPIDS system screenshot printout of Client Notice Summary, dated June 6, 2018 through December 11, 2018
- D-5 West Virginia Income Maintenance Manual (WV IMM) §§ 14.2.1 through 14.2.1.B
- D-6 WV IMM §§ 14.3.1.A through 14.3.1.B

**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 October 16, 2018, the Respondent issued a notice of decision to the Appellant informing her that she was required 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 November 14, 2018. (Exhibit D-1)
- 4) On November 16, 2018, the Respondent issued the Appellant two notices of decision informing her that effective December 1, 2018, 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-2 and D-3)
- 5) The November 16, 2018 notices were mailed to the Appellant's reported mailing address of [REDACTED].
- 6) The Appellant registered with WorkForce WV on December 3, 2018.
- 7) This is the Appellant's second violation of the WorkForce WV requirement.

### **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. 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, refuses employment, or refuses to provide information about employment status or job availability 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. In the first violation, the individual is removed from the SNAP Assistance Group (AG) for at least three (3) months or until he meets an exemption, whichever is later. 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. And for the third and subsequent violations, the individual is removed from the AG for twelve (12) months or until he meets an exemption.

## **DISCUSSION**

Policy requires that SNAP recipients register for employment with WorkForce WV within thirty (30) days of benefit application or redetermination approval, unless they meet an exemption. By notice of decision dated October 16, 2018, the Respondent notified the Appellant that she would be required to register by November 14, 2018, in order to comply with SNAP policy. WorkForce WV is an employment referral service operated by the WV Bureau of Employment Programs (WV BEP).

The October 16, 2018 notice reads as follows regarding an individual who registers after the registration deadline but before the sanction begins: “If you do not register by this day [November 14, 2018], but prior to the end of the month in which the registration is due, you must notify the local office.”

The Respondent testified that as of November 16, 2018, the Respondent had not received notification the Appellant has registered with WorkForce WV. On November 16, 2018, the Respondent sent a notice of decision informing the Appellant that a six (6) month sanction was imposed against her receipt of SNAP benefits. A second notice, also dated November 16, 2018, informed that the sanction was scheduled to begin December 1, 2018. The Respondent added that since the sanction did not begin until December 1, 2018, the Appellant could have registered by November 30, 2018, provided she called or otherwise contacted the Department to inform a worker that she had updated her registration.

The Appellant contended that she did not receive notice that she was required to register with WorkForce WV. However, the parties agreed that the address listed on the notices was correct. Because the Appellant's reported address matched the addresses on the notices, the Department complied with all the notice requirements advising the Appellant to register no later than November 30, 2018. The Appellant testified that because she did not receive the Department's November 16, 2018 notice until December 1, 2018, which was a Saturday, she was unable to complete WorkForce WV registration requirements until December 3, 2018. The Appellant testified that she contacted the local DHHR and advised them that she was registered effective December 3, 2018. Because the Appellant did not register by the November 30, 2018 deadline, she did not fulfill registration requirements.

The Respondent proved by a preponderance of evidence that the Appellant failed to register with WorkForce WV prior to the November 30, 2018 deadline. Therefore, the Respondent acted correctly to impose a penalty against the Appellant's receipt of SNAP benefits.

### **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 November 30, 2018.
- 2) The Appellant failed to register with WorkForce WV by November 30, 2018 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 December 1, 2018.
- 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 December 1, 2018.

**DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to apply a second offense SNAP requirement penalty to the Appellant, effective December 1, 2018.

**ENTERED this \_\_\_\_\_ day of January 2019.**

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**Danielle C. Jarrett**  
**State Hearing Officer**