



**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**

January 10, 2019

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.:18-BOR-2898

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: Ashley Adams, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 18-BOR-2898

**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 9, 2019, with an appeal filed on November 27, 2018.

The matter before the Hearing Officer arises from the October 2, 2018, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Ashley Adams, 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 Hearing Request Notification Form
- D-2 Hearing Request dated November 27, 2018
- D-3 WorkForce West Virginia Registration Letter dated August 31, 2018
- D-4 Notice of Termination dated October 2, 2018

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 August 31, 2018, that she was required to register with WorkForce West Virginia (WorkForce) by September 29, 2018, to continue receiving SNAP benefits (Exhibit D-3).
- 3) A work requirement penalty was imposed against the Appellant when she failed to register with WorkForce by the due date.
- 4) The Appellant's SNAP benefits were terminated effective November 1, 2018, as she is the only member of her SNAP assistance group (Exhibit D-4).
- 5) The Appellant registered with WorkForce on November 19, 2018.
- 6) This is the Appellant's first work requirement penalty.

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.

DISCUSSION

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

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 Appellant was notified that she was required to register with WorkForce by September 29, 2018. A work registration penalty was imposed on October 2, 2018, when the Respondent determined that her WorkForce registration was not valid.

The Appellant contended that she did not receive the registration request letter, but received notice of the imposition of the SNAP penalty and SNAP termination. The Appellant testified that she contacted the Respondent in October about the penalty, and was told that in working 21 hours a week she may be exempt, but her worker was supposed to confirm this. The Appellant stated she contacted the Respondent several times in October about unrelated matters, and was never notified that her registration needed updated.

The Respondent confirmed that on November 19, 2018, WorkForce was contacted on behalf of the Appellant regarding her registration, and was advised that the Appellant had not indicated that her registration was specifically for SNAP purposes, therefore the Respondent would not receive notification of her registration via the online data exchange system. The Appellant's registration was updated to reflect that it was for SNAP purposes on November 19, however, the Respondent contended that since the penalty was already in effect, it could not be removed.

Pursuant to policy, a SNAP recipient must register with WorkForce for SNAP purposes yearly as a condition of eligibility. Although the Appellant's work registration was current with WorkForce, her registration for SNAP purposes had expired and she was required to update her registration. The Appellant was aware that a penalty had been imposed against her in October, despite her assertion that she did not receive the registration request letter, and she had ample time to update her registration for SNAP purposes before the effective penalty date of November 1, 2018.

Whereas the Appellant had not updated her WorkForce registration for SNAP purposes within 12 months as required by policy, the Respondent correctly imposed a work requirement penalty against her.

CONCLUSIONS OF LAW

- 1) SNAP recipients must register with WorkForce West Virginia for SNAP purposes yearly to receive SNAP benefits.
- 2) A penalty was applied to the Appellant's SNAP benefits when she failed to register with WorkForce West Virginia for SNAP purposes by the deadline established by the Respondent.
- 3) The Appellant registered with WorkForce West Virginia for SNAP purposes subsequent to the imposition of the SNAP penalty.
- 4) The Appellant will be excluded from participation in SNAP for the minimum penalty period of three (3) months, as this is her first offense.

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.

ENTERED this 10th day of January 2019.

**Kristi Logan
State Hearing Officer**