



**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 28, 2020

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.:20-BOR-1048

Dear Mr. and 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: Bonnie Price, [REDACTED] County DHHR

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

[REDACTED],

Appellants,

v.

Action Number: 20-BOR-1048

**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 January 28, 2020, on an appeal filed January 7, 2020.

The matter before the Hearing Officer arises from the December 11, 2019, decision by the Respondent to reduce the Appellants' Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Bonnie Price, Economic Service Supervisor. The Appellants appeared by [REDACTED]. Both witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Hearing Request Notification
- D-2 WorkForce West Virginia Registration Letter dated November 8, 2019
- D-3 Notice of Work Requirement Penalty dated December 11, 2019
- D-4 Notice of Work Requirement Penalty dated December 11, 2019
- D-5 Notice of SNAP Reduction dated December 11, 2019
- D-6 West Virginia Income Maintenance Manual §§14.3 and 14.5
- D-7 Hearing Summary

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 Appellants are recipients of SNAP benefits.
- 2) The Respondent notified the Appellants by letter on November 8, 2019 that [REDACTED] and [REDACTED] were required to register with WorkForce West Virginia (WorkForce) by December 7, 2019, to continue receiving SNAP benefits (Exhibit D-2).
- 3) The notice explained that if [REDACTED] or [REDACTED] met an exemption listed in the letter, the Appellants were to contact the local office (Exhibit D-2).
- 4) A work requirement penalty was imposed against [REDACTED] and [REDACTED] on December 10, 2019, when they failed to register with WorkForce (Exhibits D-3 and D-4).
- 5) The Appellants' SNAP benefits were reduced from \$537 to \$241 monthly, effective January 1, 2020, due to the work requirement penalties imposed on [REDACTED] and [REDACTED] (Exhibit D-5).
- 6) [REDACTED] and [REDACTED] each have a previous work requirement penalty.
- 6) [REDACTED] and [REDACTED] registered with WorkForce on January 2, 2020, after the work requirement penalties went into effect.

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.

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.

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.

The Respondent notified the Appellants that [REDACTED] and [REDACTED] were required to register with WorkForce by December 7, 2019, to continue receiving SNAP benefits. A SNAP penalty was imposed against [REDACTED] and [REDACTED] when they failed to register by the due date, which resulted in a reduction in the household's monthly SNAP allotment.

The Appellant contended that he called the Respondent numerous times after receiving the work requirement letters to advise that he was exempt due to employment and [REDACTED] was exempt due to a medical condition. The Appellant testified that he works approximately 10 hours a week, earning \$475 a month. The Appellant stated he takes care of [REDACTED] paperwork, and [REDACTED] should not be punished for his failure to have him register.

Policy provides that an individual is exempt from work requirements if employed for a minimum of 30 hours weekly. The Appellant does not meet an exemption for work requirements as found in policy. The Appellant purported that [REDACTED] is disabled and unable to work, however, there was no documentation provided from his physician confirming his inability to work.

Although [REDACTED] and [REDACTED] registered subsequent to the imposition of the work requirement penalty, once a penalty has taken effect, the minimum penalty period must be served unless a change is reported and an exemption is met.

Whereas [REDACTED] and [REDACTED] failed to register with WorkForce by the deadline established by the Respondent, and no exemptions were met, the Respondent acted in accordance with policy in the imposition of work requirement penalties.

CONCLUSIONS OF LAW

- 1) SNAP recipients must register with WorkForce yearly to receive SNAP benefits, unless an exemption is met.
- 2) The Respondent imposed work requirement penalties against [REDACTED] and [REDACTED] when they failed to register with WorkForce by the established deadline.
- 3) [REDACTED] does not meet the exemption of working at least 30 hours a week.
- 4) [REDACTED] inability to work has not been documented by a physician.
- 5) [REDACTED] and [REDACTED] will be excluded from participation in SNAP for 6 months, as this is their second work requirement penalty.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to reduce the Appellants Supplemental Nutrition Assistance Program benefits.

ENTERED this 28th day of January 2020.

**Kristi Logan
State Hearing Officer**