



**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**

February 11, 2020

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 20-BOR-1056

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,

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

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

cc: Lisa McCutcheon, WVDHHR, [REDACTED] County

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

██████████,

Appellant,

v.

Action Number: 20-BOR-1056

**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 (WV) Department of Health and Human Resources' (DHHR) Common Chapters Manual. This fair hearing was convened on February 5, 2020, on an appeal filed January 13, 2020.

The matter before the Hearing Officer arises from the January 07, 2020, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits and apply a three (3) month sanction.

At the hearing, the Respondent appeared by Lisa McCutcheon, 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 WV DHHR Office of Inspector General (OIG) Board of Review (BOR) Hearing Request Notification IG-BR-29, WV DHHR Notice, dated January 07, 2020, WV DHHR Pre-Hearing Conference and/or Fair Hearing Request Form

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) The Appellant voluntarily quit employment without good cause and reported it to the Department on January 07, 2020.
- 4) On January 07, 2020, the Respondent issued a notice of decision to the Appellant informing him a SNAP work requirement penalty was imposed and he was ineligible for benefits for a period of three (3) months beginning February 01, 2020. (Exhibit D-1)
- 5) This is the Appellant's first violation of the SNAP work requirement. (Exhibit D-1)

APPLICABLE POLICY

WV IMM § 14.2 provides, in part:

All SNAP clients are subject to a work requirement, unless exempt.

WV IMM § 14.2.1.A provides, in part:

- Voluntary Quit, including Voluntary Reduction in hours

A voluntary quit or reduced hours of employment without good cause results in a period of ineligibility for non-exempt applicants and non-exempt clients. Voluntarily quitting employment after becoming a client results in application of a SNAP penalty for failure to meet the work requirement.

WV IMM § 14.4.1 provides, in part:

Applicants who voluntarily quit employment without good cause are ineligible for three months, while a penalty is applied to an active client without good cause.

WV IMM § 14.5 provides, in part:

A SNAP penalty is imposed when clients do not comply with a work requirement and do not have good cause.

WV IMM § 14.5.1.A provides, in part:

A client who voluntarily quits employment of at least 30 hours a week or voluntarily reduces his hours to below 30 hours a week is subject to the following penalty periods or until he reports an exemption.

- First violation: The client is removed from the AG for three months or until he meets an exemption. If the client does not meet an exemption prior to the end of the penalty, he is added back into the active AG after three months. A one-person AG must reapply to establish eligibility.

DISCUSSION

Pursuant to policy, an individual must comply with a work requirement as a condition of eligibility to receive SNAP benefits, unless an exemption is met. Active clients who voluntarily quit employment without good cause are ineligible to receive SNAP benefits for a period of three months for his/her first violation.

On January 07, 2020, during a scheduled SNAP interview, the Appellant reported he had voluntarily quit employment. On the same date, the Respondent issued a letter stating that a SNAP work requirement penalty had been applied and that SNAP benefits would terminate effective February 01, 2020.

The Department testified the Appellant had voluntarily quit employment without good cause and a three (3) month work penalty was applied to his case. During the hearing, the Appellant argued that a penalty should not be imposed because his employment was a seasonal job at [REDACTED] during the Christmas season. The Appellant admitted that he should have stayed the entire length of employment but stated he quit because he had earned the amount of money he needed. He further admitted that it was “probably not a good reason, but that was it”.

Because the Appellant failed to establish good cause for the voluntary termination of his employment, he failed to comply with work requirements as established by policy.

CONCLUSIONS OF LAW

- 1) Because the Appellant voluntarily terminated his employment, he violated the SNAP work requirement.
- 2) Pursuant to WV DHHR policy found in WV IMM §14.5.1.A, the Respondent acted correctly to impose a penalty against the Appellant’s receipt of SNAP benefits.
- 3) Because this is the Appellant’s first violation of work requirement policy, his SNAP benefits are terminated for a period of three (3) months, or until he meets an exemption.

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 three months beginning February 1, 2020 for failure to comply with the work requirement.

ENTERED this _____ day of February, 2020.

Angela D. Signore
State Hearing Officer