



**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**

February 5, 2020

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 20-BOR-1081

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: Melissa Yost, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 20-BOR-1081

**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 February 4, 2020, on an appeal filed January 16, 2020.

The matter before the Hearing Officer arises from the December 16, 2019 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Melissa Yost, Economic Service Supervisor. The Appellant appeared *pro se*. Both witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Case Comments for December 2019 through January 2020

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 Respondent notified the Appellant by letter on October 25, 2019, that she was required to register with WorkForce West Virginia (WorkForce) by November 26, 2019, to continue receiving SNAP benefits.
- 3) The October 25, 2019 letter informed the Appellant that if she did not register by the due date of November 26, 2019, but by the end of the month in which the WorkForce registration was due, she must contact the local office.
- 4) A work requirement penalty was imposed against the Appellant on December 13, 2019, when she failed to register with WorkForce.
- 6) The Appellant's SNAP benefits were terminated effective January 1, 2020, as she is the only member of her SNAP assistance group.
- 7) The Appellant registered with WorkForce on December 19, 2019.
- 8) The Appellant reported her WorkForce registration to the Respondent on January 9, 2020 (Exhibit D-1).

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.

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 yearly as a condition of eligibility to receive SNAP benefits, unless an exemption is met.

If the 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. There is no requirement on the Respondent to independently verify WorkForce registration once the penalty is applied.

The Appellant was notified that she was required to register with WorkForce by November 26, 2019. A SNAP penalty was imposed against the Appellant when she failed to register, effective January 1, 2020. The Appellant registered with WorkForce subsequent to the imposition of the SNAP penalty but failed to notify the Respondent until after the penalty went into effect.

The Appellant contended that she spoke with her caseworker on December 19, 2019 and was advised that she needed to register with WorkForce. The Appellant testified that her caseworker was supposed to call her later that same day to verify if she had registered or not. The Appellant stated no one returned her call on December 19, or the numerous phone calls she made to report the WorkForce registration. The Appellant denied receiving either the WorkForce registration letter, or the SNAP termination letter.

According to comments documented in the Appellant's case record, the Appellant contacted the Respondent on December 19, 2019, upon receipt of the SNAP termination letter. The Appellant advised the Respondent that she was working, however, her average hours worked each week did not meet the minimum 30 hours that is required to be exempt from WorkForce registration. Case comments also documented that the Appellant was advised to report the registration before the end of the month to avoid the SNAP penalty. There is no record that the Appellant reported the WorkForce registration until January 9, 2020, when she contacted the Respondent about not receiving SNAP benefits for the month.

The responsibility of verifying her WorkForce registration rested solely with the Appellant. Once a SNAP penalty has been imposed, it is the recipient's responsibility to inform the Respondent of the WorkForce registration before the effective date of the penalty. Whereas the Appellant did not notify the Respondent that she completed her WorkForce registration until after the SNAP penalty was imposed or meet exemption from work requirements, the penalty cannot be removed.

CONCLUSIONS OF LAW

- 1) SNAP recipients must register with WorkForce West Virginia 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 by the deadline established by the Respondent.
- 3) The Appellant registered with WorkForce West Virginia subsequent to the imposition of the SNAP penalty but did not report the registration until after the penalty went into effect.
- 4) The Appellant will be excluded from participation in SNAP for the full penalty period as required by policy.

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 5th day of February 2020.

Kristi Logan
State Hearing Officer