



**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**

May 6, 2020

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 20-BOR-1547

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,

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-1547**

**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 May 6, 2020, on an appeal filed April 21, 2020.

The matter before the Hearing Officer arises from the March 26, 2020, decision by the Respondent to deny the Appellant's application for 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:**

None

**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 December 20, 2019, that he was required to register with WorkForce West Virginia (WorkForce) by January 18, 2020, to continue receiving SNAP benefits.
- 3) A work requirement penalty was imposed against the Appellant on February 4, 2020, when he failed to register with WorkForce and SNAP benefits were terminated effective February 29, 2020.
- 4) The Appellant reapplied for SNAP benefits on March 20, 2020.
- 5) The Respondent notified the Appellant by letter on March 26, 2020, that his application for SNAP benefits had been denied due to the imposition of a work requirement penalty effective March 1, 2020.
- 6) The Appellant reported that he had registered with WorkForce on March 27, 2020.

## **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 §14.5.1.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 imposed a work requirement penalty against the Appellant effective March 1, 2020 when he failed to register with WorkForce. The Appellant's subsequent SNAP application was denied because the minimum penalty period had not expired.

The Appellant contended that he registered with WorkForce in December 2019 and updated his contact information with the agency at that time. The Appellant testified when he received the notice of SNAP termination in February 2020, he did not inquire about the work requirement penalty because he was supposed to start working in March. The Appellant stated the offer of employment did not materialize and he now needs assistance. The Appellant admitted that he did not have proof that he registered with WorkForce in December.

Actions which constitute active registration are defined by WorkForce. Although the Appellant purported that he registered in December, it was the Appellant's responsibility to contact WorkForce to ensure his registration was valid for SNAP purposes before the work requirement penalty went into effect.

Whereas the Appellant's WorkForce registration for SNAP purposes was not active by the deadline established by the Respondent, the Respondent correctly imposed a work requirement penalty against him.

### **CONCLUSIONS OF LAW**

- 1) Pursuant to policy, an individual who fails to register with WorkForce is subject to a penalty for the full penalty period or until he reports a change which makes him exempt from the work requirements.
- 2) The Respondent imposed a work requirement penalty against the Appellant effective March 1, 2020 when he failed to register with WorkForce.

- 3) The Appellant registered with WorkForce on March 27, 2020, after the effective date of the penalty.
- 4) The Appellant is ineligible to participate in SNAP until the minimum penalty period expires.

### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to deny the Appellant's application for Supplemental Nutrition Assistance Program benefits.

**ENTERED this 6<sup>th</sup> day of May 2020.**

---

**Kristi Logan  
State Hearing Officer**