



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
1027 N. Randolph Ave.  
Elkins, WV 26241

Bill J. Crouch  
Cabinet Secretary

Jolynn Marra  
Interim Inspector General

June 25, 2020



RE: [REDACTED] v. WVDHHR  
ACTION NO.: 20-BOR-1749

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,

Pamela L. Hinzman  
State Hearing Officer  
Member, State Board of Review

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

Cc David Griffin, WVDHHR

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

██████████,

**Appellant,**

v.

**Action Number: 20-BOR-1749**

**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 June 25, 2020, on an appeal filed June 10, 2020.

The matter before the Hearing Officer arises from the April 7, 2020 decision by the Respondent to terminate Supplemental Nutrition Assistance Program (SNAP) benefits effective May 2020.

At the hearing, the Respondent appeared by David Griffin, Economic Services Supervisor, WVDHHR. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Workforce West Virginia registration request dated March 6, 2020
- D-2 Notice of Decision (SNAP sanction letter) dated April 7, 2020
- D-3 Notice of Decision (SNAP termination letter) dated April 7, 2020

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 Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) On March 6, 2020, the Respondent sent the Appellant correspondence (D-1), indicating that she was required to register with the Bureau of Employment Programs/WorkForce West Virginia by April 4, 2020.
- 3) The Appellant failed to verify her WorkForce West Virginia registration by April 4, 2020.
- 4) The Respondent sent the Appellant two Notices of Decision on April 7, 2020 (D-2 and D-3), indicating that her SNAP benefits would be terminated effective May 2020 due to the imposition of a work penalty.
- 5) Exhibit D-2 states that the penalty is the Appellant's first work program sanction, resulting in a three-month period of SNAP ineligibility.
- 6) The three-month work penalty period will run from May 2020 through July 2020.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 14.2 1.A states that all SNAP clients are subject to a work requirement, unless exempt. Chapter 14.5.1.B states that a non-WV WORKS recipient who refuses or fails to register with WorkForce West Virginia, refuses employment, or refuses to provide information about employment status and job availability is subject to the following penalties for at least the minimum penalty period or until he reports a change which makes him exempt from work requirements.

West Virginia Income Maintenance Manual Chapter 14.5.1.B states that for a first work programs penalty, the individual is removed from the SNAP Assistance Group for three months or until he meets an exemption.

### **DISCUSSION**

Policy states that all SNAP recipients are subject to a work requirement, unless exempt. A non-WV WORKS recipient who refuses or fails to register with WorkForce West Virginia is subject to a penalty for at least the minimum penalty period or until he reports a change which makes him exempt from work requirements.

The Appellant testified that she never received the March 6, 2020 letter from the Respondent requesting that she register with WorkForce West Virginia or the April 7, 2020 SNAP termination letters. She indicated that she has had no recent address changes. The Appellant stated that she is currently 33 weeks pregnant and was considered in the high-risk group during the COVID-19

pandemic, although she reported no substantial pregnancy-related health issues. She indicated that she has not yet registered with Workforce West Virginia.

The Respondent's witness, David Griffin, testified that none of the Respondent's letters were returned to the DHHR office. He indicated that the Appellant would meet an exemption from SNAP work requirements after her baby is born.

### **CONCLUSIONS OF LAW**

- 1) The Appellant was required to register with WorkForce West Virginia by April 4, 2020.
- 2) The Appellant failed to provide the registration and was placed in a three-month work penalty effective May 2020.
- 3) While the Appellant testified that she received neither the March 2020 Workforce West Virginia registration request nor the April 2020 SNAP sanction/termination letters, the Respondent's representative provided evidence that the letters were sent to the correct address and testified that they were not returned to the Respondent as undeliverable.
- 4) As the Appellant's letters were not returned to the Respondent as undeliverable, the Respondent's action to apply a work penalty and terminate SNAP benefits was correct.

### **DECISION**

It is the decision of the State Hearing Officer to UPHOLD the Respondent's action to terminate SNAP benefits effective May 2020.

**ENTERED this 25th Day of June 2020.**

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**Pamela L. Hinzman  
State Hearing Officer**