



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
Berkeley County DHHR  
PO Box 1247  
Martinsburg, WV 25402

Bill J. Crouch  
Cabinet Secretary

Jolynn Marra  
Interim Inspector General

October 21, 2020

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 20-BOR-2161

Dear [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,

Lori Woodward, J.D.  
Certified State Hearing Officer  
Member, State Board of Review

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

cc: John Oglesbee, BCF, [REDACTED] Co. DHHR

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

██████████,

**Appellant,**

v.

**ACTION NO: 20-BOR-2161**

**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 October 15, 2020, on an appeal filed September 15, 2020.

The matter before the Hearing Officer arises from the Respondent's August 3, 2020 decision to close the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by John Oglesbee, Economic Service Supervisor. The Appellant appeared *pro se*. Appearing as witness for the Appellant was his father, ██████████. The witnesses were sworn, and the following documents were admitted into evidence:

**Department's Exhibits:**

- D-1 Work Force registration requirement notice (CMOB) dated July 1, 2020
- D-2 Case Comments July 31, 2020 to September 16, 2020 screen print
- D-3 Notice of penalty (AEO6) dated August 3, 2020
- D-4 Notice of SNAP closure dated August 3, 2020
- D-5 Letter from ██████████, ██████████, MD dated September 9, 2020
- D-6 Letter from ██████████, Medical Staff, ██████████ dated March 25, 2016
- D-7 West Virginia Income Maintenance Manual, Chapter 1, §§1.4.1.D – 1.4.2

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) On July 1, 2020, the Respondent sent notice to the Appellant that per SNAP policy he is required to register with WorkForce West Virginia (WorkForce) or meet an exemption by July 30, 2020. This notice was sent to the Appellant's address of record ([REDACTED]). (Exhibit D-1)
- 2) On July 19, 2020, the Appellant submitted a physician's statement dated March 25, 2016, to establish an exemption from the SNAP work registration requirement. (Exhibit D-6)
- 3) The Respondent determined that the physician's statement was outdated and applied a work requirement penalty to the Appellant's SNAP benefits case resulting in closure with notifications sent by the Respondent on August 3, 2020 to the Appellant's address of record. (Exhibits D-3 and D-4)
- 4) On September 9, 2020, the Respondent received a physician's note dated September 9, 2020, stating that the Appellant was unable to work. (Exhibit D-5)
- 5) The Respondent reinstated the Appellant's SNAP benefits as of September 9, 2020 due to the Appellant's exemption from the SNAP work requirement.
- 6) The Scheduling Order for this hearing was sent to the Appellant's address of record.
- 7) The Appellant received all exhibits for the hearing sent by the Respondent which was sent to his address of record.

### **APPLICABLE POLICY**

All Supplemental Nutrition Assistance Program (SNAP) clients are subject to a work requirement, unless exempt. (WV IMM, Chapter 14, (WV IMM, Chapter 14, §14.2)

Individuals who are physically or mentally unfit to engage in full-time employment are exempt from SNAP work requirements. (WV IMM, Chapter 14, §14.2.1.B)

An individual who does not meet the definition of disability and is not obviously unfit for employment will be requested to provide written verification from a licensed medical professional that the client is unfit for employment. (WV IMM, Chapter 13, §13.15.3)

A SNAP penalty is imposed when clients do not comply with a work requirement and do not have good cause. The penalty must be served unless the client meets an exemption. (WV IMM, Chapter 14, §14.5)

Failure of an individual to register within the time limits established by policy, results in application of a penalty for not meeting the work requirement. (WV IMM, Chapter 14, §14.2.1.A)

A SNAP Assistance Group (AG) can be reinstated from the date the household provides the information and/or necessary verification without a new application when they meet the following conditions:

- The SNAP benefits must be in closed status,
- The SNAP AG has at least one full month remaining in the certification period after the last month benefits are received,
- The SNAP AG must report and verify a change in circumstances during the 30 days following the last month benefits are received, and
- The SNAP AG must be eligible for SNAP benefits during the reinstatement month and the remaining months of the certification period. (WV IMM, Chapter 14, §1.4.1.G)

### **DISCUSSION**

The Respondent sent notification on July 1, 2020 to the Appellant explaining that he needed to register with WorkForce by July 30, 2020 or meet an exemption. This notification was sent to the Appellant's address of record: [REDACTED]. On July 19, 2020, the Appellant returned a physician's statement dated March 25, 2016. Because this physician's statement was over four years old, it was deemed to be outdated and the Respondent imposed a work registration penalty against the Appellant's SNAP benefits case resulting in closure as of August 30, 2020. Notifications of the work penalty and resultant SNAP benefit closure were sent to the Appellant on August 3, 2020, to his address of record. Subsequently, the Appellant returned an updated physician's statement on September 9, 2020 to the Respondent who reinstated his SNAP benefits as of that date and is ongoing.

The Appellant requested a hearing on the issue of the SNAP benefits closure from September 1-9, 2020, contending that he did not receive notification of his case closure. The Appellant and his witness testified that they had moved down the street to [REDACTED] sometime in March 2020. They stated that they reported the change of address to the local DHHR office and also to the USPS for mail forwarding.

The Appellant's contention that he had reported a change of address to the DHHR office and also to the USPS is not supported by his subsequent actions taken after March 2020 on correspondence sent to his address of record.

On July 19, 2020, the Appellant returned a physician's statement to establish an exemption from SNAP work registration requirement, indicating that he received the July 1, 2020 notice of WorkForce registration sent to his address of record. This is additionally supported by his testimony that he believed the submitted July 19, 2020 physician's statement was sufficient to establish an exemption from WorkForce registration.

On September 21, 2020, the Scheduling Order which included instructions for dialing into the telephone hearing was sent to the Appellant to his address of record. Obviously, the Appellant and his witness appeared for this hearing. At the hearing, the Appellant testified that he was in receipt of the exhibits sent by the Respondent, which was sent to the Appellant's address of record.

The Respondent's representative testified that there is no record of the Appellant reporting a change of address and no mail sent to the Appellant at his address of record has been returned by the USPS. It is noted that the USPS does not forward DHHR correspondence to any reported change of address, but will instead return the mail to the DHHR.

Policy provides that a SNAP AG can be reinstated from the date the household provides the information and/or necessary verification without a new application when they meet the certain conditions. Because the Appellant provided current verification of an exemption from SNAP work requirement policy on September 9, 2020, after the implementation of a work penalty, the Respondent correctly reinstated his benefits as of September 9, 2020.

### **CONCLUSIONS OF LAW**

- 1) SNAP policy requires individuals to register with WorkForce or meet an exemption.
- 2) The Respondent sent notification on July 1, 2020 that the Appellant had until July 31, 2020 to register with WorkForce or meet an exemption.
- 3) Because the Appellant failed to establish an exemption from the work requirement penalty by July 31, 2020, a penalty was imposed resulting in SNAP benefit closure.
- 4) Notification of imposition of the work requirement penalty and subsequent SNAP benefit closure was sent on August 3, 2020 to the Appellant's address of record.
- 5) Because the Appellant established a work requirement exemption on September 9, 2020, after the penalty was applied, the Respondent correctly reinstated the Appellant's SNAP benefits from September 9, 2020.

### **DECISION**

It is the decision of the State Hearing Officer to **uphold** the Respondent's decision to apply a work requirement penalty to the Appellant's SNAP benefits from September 1 -9, 2020.

**ENTERED this 21<sup>st</sup> day of October 2020.**

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Lori Woodward, Certified State Hearing Officer