



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL**

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Cabinet Secretary**

**Board of Review
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**Jolynn Marra
Interim Inspector General**

February 14, 2020



RE: [REDACTED] v. WV DHHR
ACTION NO.: 19-BOR-2893

Dear Mr. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matters.

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,

Todd Thornton
State Hearing Officer
Member, State Board of Review

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

cc: Cassandra Cannoy, DHHR

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

██████████,

Appellant,

v.

Action No.: 19-BOR-2893

**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 January 23, 2020, on an appeal filed December 17, 2019.

The matter before the Hearing Officer arises from the Respondent's October 23, 2019 decision to reduce the Appellant's SNAP allotment due to a work registration penalty.

At the hearing, the Respondent appeared by Cassandra Cannoy. The Appellant appeared *pro se*. All witnesses were sworn. Both parties failed to provide documentary evidence.

EXHIBITS

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 mailed the Appellant a notice, on or about July 2, 2019, advising the Appellant that he needed to register with WorkForce West Virginia by August 1, 2019, and notify the Respondent that he completed this registration requirement.
- 3) The Appellant did not register with WorkForce West Virginia prior to the August 1, 2019 deadline.
- 4) The Respondent mailed the Appellant a notice, on or about October 22, 2019, advising him of the SNAP penalty resulting from his failure to register by the set deadline.
- 5) The three-month work requirement penalty applied to the Appellant's SNAP benefits were from November 2019 through January 2020.
- 6) As a result of the sanction, the Appellant is excluded from the assistance group.
- 7) The Appellant registered with WorkForce West Virginia on December 18, 2019.

APPLICABLE POLICY

The West Virginia Income Maintenance Manual (WVIMM) outlines the work registration requirements for SNAP at §14.3.

At §14.3.1.A, this policy reads, "All individuals must register for employment with WorkForce West Virginia, within 30 days of the date of the original approval, unless exempt according to Section 14.2. Clients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid."

At §14.5.1.B, the policy regarding penalties related to failure to register with WorkForce West Virginia reads, "A client 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 the full penalty period or until he reports a change which makes him exempt from the work requirements." The penalty for a first violation is the removal of the individual from the assistance group "...for at least three months or until he meets an exemption..."

Policy regarding the case maintenance process for address changes, at §10.4.4.E, reads, "A change of address is made in the eligibility system as soon as the client reports it."

DISCUSSION

The Appellant requested a fair hearing based on the decision of the Respondent to reduce the Appellant's SNAP benefits due to a work registration penalty. The Respondent must show by a preponderance of the evidence that the Appellant failed to register for WorkForce West Virginia.

There was no dispute of relevant facts in the hearing. The Appellant was required to register with WorkForce West Virginia by August 1, 2019. When the Appellant failed to do so, the Respondent placed a sanction on the Appellant's SNAP case, reducing the number of individuals counted in the SNAP determination process and the resulting SNAP benefit level. The Appellant registered after the set deadline, but policy requires the individual to be subject to the penalty for the full penalty period. There was no dispute of the Appellant's sanction count, and there was no testimony indicating the Appellant met an exemption to the registration requirement.

The Appellant testified that he received his mail at the post office. He testified that a truck hit his local post office and he had no access to mail for over a month. The Appellant was required to maintain a secure mailing address – policy requirements do not disappear simply because of a mailing issue. Upon discovery of such an issue, the Appellant could have advised the Respondent that he needed to change his mailing address but did not. There was no indication that the notices sent to the Appellant were returned by the postal service.

Testimony showed the Respondent correctly applied a first sanction against the Appellant for failure to complete a SNAP work registration requirement, resulting in a reduction of his SNAP benefits.

CONCLUSIONS OF LAW

- 1) Because the Appellant failed to complete a SNAP registration requirement, the Respondent must apply a work registration sanction against the Appellant.
- 2) Because the violation is a first sanction, the Respondent must exclude the Appellant from his household's SNAP assistance group for three months, resulting in a reduction of SNAP benefits during that period.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to reduce the Appellant's SNAP benefits based on a work registration penalty.

ENTERED this ____ Day of February 2020.

**Todd Thornton
State Hearing Officer**