



**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**

March 8, 2021

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 21-BOR-1247

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  
Certified State Hearing Officer  
Member, State Board of Review

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

cc: Morgan Toney, [REDACTED] County DHHR

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

██████████,

**Appellant,**

**v.**

**Action Number: 21-BOR-1247**

**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 March 4, 2021, on an appeal filed February 18, 2021.

The matter before the Hearing Officer arises from the February 11, 2021, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

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

**Department's Exhibits:**

- D-1 Department's Summary
- D-2 Hearing Request Notification Form
- D-3 Work Registration Request Letter dated September 21, 2020
- D-4 Notice of Work Registration Penalty dated October 27, 2020
- D-5 Notice of SNAP Termination dated October 27, 2020
- D-6 Hearing Request dated November 4, 2020
- D-7 Notice of SNAP Termination dated February 11, 2021
- D-8 Hearing Request dated February 18, 2021
- D-9 Case Comments from October 2020 – February 2021
- D-10 West Virginia Income Maintenance Manual §14.3

**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 Respondent issued notice to the Appellant on September 21, 2020, advising that she was required to register with WorkForce West Virginia, or meet an exemption, by October 18, 2020 to continuing receiving SNAP benefits (Exhibit D-3).
- 2) The Respondent imposed a work registration penalty against the Appellant on October 27, 2020 when she failed to register with WorkForce West Virginia (Exhibit D-4).
- 3) The Appellant was notified that her SNAP benefits would terminate effective November 30, 2020 as she was the only member of her assistance group (Exhibit D-5).
- 4) The Appellant submitted a written hearing request on November 4, 2020 contesting the work registration penalty and SNAP termination, claiming she was currently registered with WorkForce West Virginia (Exhibit D-6).
- 5) The Appellant registered with WorkForce West Virginia on December 7, 2020 (Exhibit D-11).
- 6) The Appellant requested a continuation of SNAP benefits pending the hearing decision and benefits were reinstated effective December 1, 2020 (Exhibit D-9).
- 7) The Appellant failed to appear for the fair hearing scheduled to convene on February 2, 2021 or provide good cause for her failure to do so.
- 8) The Appellant's November 4, 2020 request for hearing was dismissed as abandoned by Board of Review Action Number 20-BOR-2624.
- 9) The Respondent issued a Notice of Decision to the Appellant on February 11, 2021 advising that her SNAP benefits would be terminated effective February 28, 2021 (Exhibit D-7).
- 10) The Appellant requested a hearing on February 18, 2021 (Exhibit D-8).

## **APPLICABLE POLICY**

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 who fails to register with WorkForce West Virginia, or meet an exemption, is subject to a penalty. The individual is excluded from participation in SNAP for the full penalty period or until he or she reports a work requirement exemption.

The Respondent imposed a first violation work registration penalty against the Appellant, effective December 1, 2020. The issue of whether or not the Respondent's decision to impose the work registration penalty against the Appellant was adjudicated in Board of Review Action Number 20-BOR-2624 and will not be addressed in this decision. The current issue under appeal is whether the Respondent was correct to terminate the Appellant's SNAP benefits effective February 28, 2021 as stated in the notice issued February 11, 2021.

The Appellant was ineligible to receive SNAP benefits during the penalty period from December 2020 through February 2021. SNAP benefits were reinstated at the request of the Appellant, pending the outcome of the hearing. The Respondent terminated the Appellant's SNAP benefits when her November 4, 2020 request for hearing was dismissed.

Whereas the Appellant was in a work registration penalty as of February 11, 2021, the Respondent was correct to terminate the Appellant's receipt of SNAP benefits.

### **CONCLUSIONS OF LAW**

- 1) An individual who fails to register with WorkForce West Virginia is subject to a period of ineligibility for SNAP benefits.
- 2) The Respondent imposed a work registration penalty against the Appellant effective December 1, 2020 for a minimum of three (3) months.
- 3) The Appellant's SNAP benefits were reinstated pending the decision of the November 4, 2020 request for hearing.
- 4) The Appellant's November 4, 2020 request for hearing was dismissed as abandoned.
- 5) The Respondent's February 11, 2021 decision to terminate the Appellant's SNAP benefits is affirmed.

### **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 benefits.

**ENTERED this 8<sup>th</sup> day of March 2021.**

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**Kristi Logan**  
**Certified State Hearing Officer**