



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

March 24, 2021

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 21-BOR-1335

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: Peter VanKleeck, BCF, [REDACTED] Co. DHHR

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

████████████████████,

**Appellant,**

**v.**

**ACTION NO: 21-BOR-1335**

**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 23, 2021, on an appeal filed January 15, 2021, which was received by the Board of Review on March 9, 2021.

The matter before the Hearing Officer arises from the Respondent's December 1, 2020 decision to close the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Peter VanKleeck, Family Support Supervisor. The Appellant appeared *pro se*. Both witnesses were sworn, and the following documents were admitted into evidence:

**Department's Exhibits:**

- D-1 Hearing Summary
- D-2 Work Force registration requirement notice (CMOB), dated October 26, 2020
- D-3 Notice (EDC1) of SNAP benefit closure, dated December 1, 2020
- D-4 Notice (AEO6) notice of work requirement penalty, dated December 1, 2020
- D-5 WorkForce WV Registration Details screen print from the Appellant's eligibility system case
- D-6 West Virginia Income Maintenance Manual, Chapter 14, §14.3
- D-7 West Virginia Income Maintenance Manual, Chapter 14, §14.5.1.B

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 October 26, 2020, the Respondent sent notification to the Appellant regarding the SNAP work requirement, explaining that she must comply with WorkForce West Virginia (WorkForce) registration or meet an exemption by November 22, 2020. (Exhibit D-2)
- 2) The Respondent determined that the Appellant had not registered with WorkForce. (Exhibits D-1 and D-5)
- 3) On December 1, 2020, the Respondent sent notification of SNAP work requirement penalty being applied to the Appellant's SNAP benefits. (Exhibit D-4)
- 4) Notification of SNAP benefit closure was sent on December 1, 2020 to the Appellant. (Exhibit D-3)
- 5) This is the Appellant's second work requirement penalty.

### **APPLICABLE POLICY**

WV IMM §14.3.1.A, in part, explains that all individuals must register for employment with WorkForce West Virginia within 30 days of the date of the original approval unless exempt. Clients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid.

WV IMM, Chapter 14, §14.5, Snap Work Requirement Penalties, in part, directs that a Supplemental Nutrition Assistance Program (SNAP) penalty be 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. The penalty is never applied to an entire assistance group (AG), only to the client who does not comply. When the reported exemption ends, the client is subject to the original penalty, unless he has complied or meets another exemption. Penalties are applied sequentially, regardless of the requirement not met. In addition, penalties are applied consecutively, and one penalty must end before another one is imposed.

WV IMM, Chapter 14, §14.5.1.B, stipulates that a client who refuses or fails to register with WorkForce, 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.

- 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**

On October 26, 2020, the Respondent sent the Appellant notification that she needed to register with WorkForce by November 22, 2020. Because the Appellant had not registered with WorkForce, the Respondent sent notification on December 1, 2020, that a SNAP work penalty was being applied as of January 1, 2021. Additionally, on December 1, 2020, the Respondent sent notification of SNAP benefit closure based upon non-registration with WorkForce.

The Appellant testified that she went to her local office ([REDACTED] County DHHR) three times in December seeking assistance with WorkForce registration. The Appellant stated that because there were no workers in the office, she was asked to leave her name, social security number, and phone number with the front desk, but no one from the office contacted her. The Respondent's representative, Mr. VanKleeck, testified that he checked the computer system logs where all office visitors are logged, and did not find any record of the Appellant having been to the [REDACTED] County DHHR office. Although it maybe conceivable that one visit to the local office may have been missed being logged into the computer system, and even perhaps a second visit, however, a third visit not being logged into the computer system is unconvincing.

Policy requires that the penalty for a second work penalty violation results in removal from the Assistance Group (AG) for a period of six months or until an exemption is met. It is noted that the Respondent's December 1, 2020 work penalty notification stated this was the Appellant's third penalty resulting in a twelve month SNAP ineligibility. However, Mr. VanKleeck, explained that upon further investigation, he found that this was the Appellant's second work requirement penalty which would result in a six month period of SNAP ineligibility. The Appellant did not contest that this is her second work requirement penalty. Because this is her second work requirement penalty, the Respondent's closure of her SNAP benefits for a period of six months is affirmed.

## **CONCLUSIONS OF LAW**

- 1) The Appellant was required to register with WorkForce WV or meet an exemption by November 22, 2020.
- 2) Because the Appellant did not register with WorkForce or meet an exemption, a work requirement penalty must be imposed.

- 3) As this was the Appellant's second work requirement penalty, a six month SNAP penalty must be imposed against the Appellant.

### **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.

**ENTERED this 24<sup>th</sup> day of March 2021.**

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Lori Woodward, Certified State Hearing Officer