



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

Bill J. Crouch
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Board of Review
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Jolynn Marra
Interim Inspector
General

April 21, 2021



RE: [REDACTED] v. WVDHHR
ACTION NO.: 21-BOR-1381

Dear Mr. [REDACTED]:

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

In arriving at a decision, the Board of Review 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 that may be taken if you disagree with the decision reached in this matter.

Sincerely,

Tara B. Thompson, MLS
State Hearing Officer
State Board of Review

Enclosure: Appellant's Recourse
Form IG-BR-29

cc: Sarah Rivera, [REDACTED] County DHHR
Stephanie Smith, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

ACTION NO.: 21-BOR-1381

**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' (DHHR) Common Chapters Manual. This fair hearing was convened on April 21, 2021 on an appeal filed with the Board of Review on March 18, 2021.

The matter before the Hearing Officer arises from the Respondent's February 16, 2021 decision to implement a ineligibility penalty on the Appellant's Supplemental Nutrition Assistance Program benefits due to the Appellant's failure to register with WorkForce West Virginia (WorkForce).

At the hearing, the Respondent appeared by Sarah Rivera, ██████████ County DHHR. The Appellant appeared *pro se*. Both witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 West Virginia Income Maintenance Manual (WVIMM) §§ 14.2, 14.3.1
- D-2 Case Comments, dated February 21, 2006 through January 6, 2021
- D-3 DHHR Notice, dated November 2, 2020
- D-4 Case Comments, dated February 12 through March 18, 2021

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 following Findings of Fact are set forth

FINDINGS OF FACT

- 1) On October 30, 2020, the Appellant was approved for SNAP benefits and advised during the SNAP interview that he must register with WorkForce (Exhibit D-2).
- 2) On November 2, 2020, the Respondent issued a notice that advised the Appellant of his requirement to register with WorkForce and notify the Respondent of his registration by November 29, 2020 (Exhibit D-3).
- 3) On February 16, 2021, the Respondent issued a notice advising the Appellant that a three-month SNAP ineligibility would be imposed because of his failure to register with WorkForce.
- 4) The November 2, 2020 and February 16, 2021 notices were mailed to [REDACTED] (Exhibit D-3).
- 5) On March 9, 2021, the Appellant registered with WorkForce and notified the Respondent of his registration (Exhibit D-4).

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) §§ 1.2.3 and 1.2.4 provides in part:

The Worker has the obligation to inform the client of his responsibilities. The client's responsibility is to provide complete and accurate information about his circumstances so that the Worker is able to make a correct determination about his eligibility.

WVIMM §1.4.7 provides in part:

During the intake interview for SNAP, the Worker has the obligation to explain work requirements and exemptions.

WVIMM §1.4.12.A provides in part:

Individuals who have not complied with a SNAP work requirement may be ineligible for a specified time. The worker must determine if any AG member is subject to a penalty. See Chapter 14.

WVIMM § 10.4.4.E provides in part:

A change of address is made in the eligibility system as soon as the client reports it. Any other changes the client reports in addition to the address change are also acted on at the same time when notice requirements permit.

WVIMM § 14.3.1.A provides in part:

All individuals must register for employment with WorkForce within 30 days of the date of the original approval unless exempt. Clients must register every 12 months thereafter The client may register by visiting a WorkForce office, or by registering online. The Worker must explain these requirements to the client and enter the registration date in the eligibility system A client who fails to comply by the due date established on the notice to register is subject to a SNAP penalty and the Worker must send an adverse action notice.

WVIMM §14.5.1.B provides in part:

A client who fails to register with WorkForce is subject to the following penalty 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 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.

DISCUSSION

The Appellant applied and was approved to receive SNAP benefits on October 30, 2020. The Appellant was required to register with WorkForce by November 29, 2020. Because the Appellant did not register by the deadline, the Respondent imposed a SNAP ineligibility penalty on the Appellant. The Appellant contested the imposition of the SNAP ineligibility penalty and argued that he did not intentionally fail to comply with the registration requirement.

The Respondent had to prove by a preponderance of evidence that the Appellant failed to register with WorkForce by the required date. To remain eligible for SNAP benefits, the policy requires the Appellant to register with WorkForce within 30 days of application. Further, the policy requires the Respondent to advise the Appellant of his responsibility to register with WorkForce.

The evidence verified that the Respondent advised the Appellant during the SNAP eligibility interview that he was required to register with WorkForce. The policy stipulates that the Appellant has a responsibility to provide accurate information about his circumstances so that the Respondent can make a correct determination regarding his SNAP eligibility. No evidence was entered to establish that the Appellant had advised the Respondent of his address change or barriers completing his WorkForce registration until the Respondent took action to impose the SNAP ineligibility penalty.

The Appellant testified that he did not receive the November 2, 2020 notice advising him of his requirement to register for WorkForce because the address listed on the notice belonged to a relative and he had to wait for the notice to be delivered to him by the relative. The Appellant

argued that he changed his address at the post office and did not think to advise the Respondent of his address change. During the hearing, the Appellant testified that he experienced barriers due to relocating from [REDACTED], losing his job, experiencing financial hardship, and struggling to align treatment for his medical diagnosis. The Appellant argued that he made efforts to register by attempting to go the library and register. The Appellant further argued he believed that his homeless coalition case manager had completed the registration for him. Although the Appellant experienced barriers registering with WorkForce due to his circumstances, the policy does not permit an exception to the Workforce registration requirement due to any of the reasons provided by the Appellant. No evidence was entered to verify that the Appellant was physically or mentally unfit to engage in full-time employment or that he met any other exemption as outlined in § 14.2.1.B.

Because the Appellant was required by policy to register with WorkForce within 30 days of his approval for SNAP benefits and he did not register with WorkForce until March 2021, the Respondent was correct to impose a SNAP ineligibility penalty.

CONCLUSIONS OF LAW

- 1) The Appellant was required to register with WorkForce and to notify the Respondent of his registration by November 29, 2020.
- 2) The Appellant did not register with WorkForce and notify the Respondent of his registration until March 9, 2021.
- 3) The preponderance of evidence verified that the Respondent correctly applied a SNAP ineligibility penalty due to the Appellant's failure to register with WorkForce as required by policy.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's action to impose a SNAP ineligibility penalty on the Appellant.

ENTERED this 21st day of April 2020.

Tara B. Thompson, MLS
State Hearing Officer