



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

**Bill J. Crouch
Cabinet Secretary**

**BOARD OF REVIEW
Raleigh County DHHR
407 Neville Street
Beckley, WV 25801**

**Jolynn Marra
Interim Inspector General**

August 17, 2021



RE: [REDACTED] v. WV DHHR
ACTION NO.: 21-BOR-1864

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 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: William Skeens, [REDACTED] County DHHR

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

██████████,

Appellant,

v.

Action Number: 21-BOR-1864

**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 August 17, 2021, on an appeal filed on July 28, 2021.

The matter before the Hearing Officer arises from the July 15, 2021, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by William Skaggs, 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 Hearing Summary
- D-2 Hearing Request Notification Form
- D-3 Board of Review Scheduling Order
- D-4 Case Comments from April – August 2021
- D-5 West Virginia Income Maintenance Manual §14.3.1.A
- D-6 Work Registration Penalty Notice dated July 15, 2021
- D-7 Notice of Termination dated July 15, 2021
- D-8 Notice of Work Registration Requirement dated June 11, 2021

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 applied for SNAP benefits on June 9, 2021.
- 2) The Respondent notified the Appellant by letter on June 11, 2021, that he was required to register with WorkForce West Virginia (WorkForce) by June 10, 2021 or meet an exemption, to continue receiving SNAP benefits (Exhibit D-8).
- 3) The Appellant contacted the Respondent on July 9, 2021 to report that he had registered with WorkForce (Exhibit D-4).
- 4) The Respondent advised the Appellant his WorkForce registration was invalid as of July 9, 2021 (Exhibit D-4).
- 5) A work requirement penalty was imposed against the Appellant on July 15, 2021, when his WorkForce registration had not been completed (Exhibit D-6).
- 6) The Appellant contacted the Respondent on July 26, 2021 to report his WorkForce registration (Exhibit D-4).
- 7) The Respondent advised the Appellant that he had not selected a job preference, which was required for his registration to be considered complete (Exhibit D-4).
- 8) The Appellant's SNAP benefits were terminated effective August 1, 2021, as he is the only member of his SNAP assistance group (Exhibit D-7).
- 9) The Appellant's WorkForce registration was completed effective August 5, 2021.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §14.3.1.A states all SNAP recipients must register for employment with WorkForce West Virginia, within 30 days of the date of the original SNAP approval, unless exempt. Recipients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid. Actions which constitute a registration are defined by WorkForce West Virginia and the eligibility system must:

- Match with WorkForce West Virginia. Registration date updated.
- Match the date returned from WorkForce West Virginia is more than 12 months old. The client must register again.

- **Match with WorkForce West Virginia with inactive job status and no job preference. The client must choose a job preference and become active to be considered registered** (emphasis added).
- Match with WorkForce West Virginia with inactive job status and with job preference. The client must become active to be considered registered.
- Match with WorkForce West Virginia with active job status and no job preference. The client must choose a job preference to be considered registered.

Once the client registers with WorkForce West Virginia for SNAP purposes, he cannot be required to register more often than every 12 months, even when the benefit is opened and closed within the 12-month period. This is tracked through the eligibility system.

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.

West Virginia Income Maintenance Manual §14.2.1.B states the following SNAP clients are exempt from the SNAP work requirements and are not subject to a SNAP penalty for failure to comply:

- A person under age 16.
- A person age 16 or 17 who is not the SNAP payee or primary person.
- A person age 16 or 17 who is attending school or enrolled in an employment training program on at least a half-time basis.
- A person enrolled at least half-time in any recognized school, recognized training program, or institution of higher education.
- **A person age 60 or over** (emphasis added).
- A parent, or other member of the AG who has the responsibility for the care of a child under the age of six, or of an incapacitated and/or disabled individual.
- Individuals receiving Unemployment Compensation Insurance (UCI) from any state.
- Individuals who are physically or mentally unfit to engage in full-time employment.

- Regular participants in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or non-resident basis.
- Individuals who are employed or self-employed and working a minimum of 30 hours per week, or who are receiving weekly earnings equal to the federal minimum wage multiplied by 30 hours.
- Individuals who receive WV WORKS and do not meet any of the other SNAP exemptions listed above, so long as they are subject to, and complying with, a WV WORKS work requirement.

DISCUSSION

Pursuant to policy, an individual must register with WorkForce within 30 days of the date of the original SNAP approval and every 12 months thereafter as a condition of eligibility to receive SNAP benefits, unless exempt. A WorkForce registration is considered valid when the registration is active, and a job preference has been selected.

The Appellant was notified that he was required to register with WorkForce by July 9, 2021. A work registration penalty was imposed on July 15, 2021, when the Respondent determined that the WorkForce registration was not active. The Appellant contacted the Respondent on July 9 and July 26, 2021 to report that he had registered, but the registration was not valid as he had not selected a job preference. The Appellant's WorkForce registration did not become valid until August 5, 2021, when a job preference had been chosen. However, because the work registration penalty went into effect August 1, 2021, the Appellant must serve the minimum penalty period, or until he meets an exemption.

The Appellant testified that he had difficulty with WorkForce returning his phone calls and assisting him with choosing a job preference. The Appellant stated he is 53 years old and should be exempt from registration requirements. SNAP recipients are exempt from work registration once they have attained age 60, therefore the Appellant did not meet the age exemption in policy.

Whereas the Appellant failed to have a valid WorkForce registration prior to the effective date of the penalty, and did not meet an exemption listed in policy, the termination of the Appellant's SNAP benefits is affirmed.

CONCLUSIONS OF LAW

- 1) SNAP recipients must register with WorkForce West Virginia within 30 days of the date of initial approval and yearly thereafter to receive SNAP benefits.
- 2) A penalty was applied to the Appellant's SNAP benefits when he failed to have a valid registration with WorkForce West Virginia prior to the effective date of the penalty on August 1, 2021.
- 3) The Appellant's WorkForce West Virginia registration became valid August 5, 2021.
- 4) The Appellant is ineligible to receive SNAP benefits until the minimum penalty period is served, or an exemption is met.

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 17th day of August 2021.

Kristi Logan
Certified State Hearing Officer