

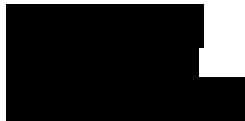


State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
1027 N. Randolph Ave.  
Elkins, WV 26241

Bill J. Crouch  
Cabinet Secretary

Jolynn Marra  
Interim Inspector General

September 22, 2021



RE: [REDACTED] v. WVDHHR  
ACTION NO.: 21-BOR-2000

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,

Pamela L. Hinzman  
State Hearing Officer  
Member, State Board of Review

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

Cc Jessica Koch, WVDHHR

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

[REDACTED],

**Appellant,**

v.

**Action Number: 21-BOR-2000**

**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 [REDACTED]. 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 September 21, 2021, on an appeal filed August 24, 2021.

The matter before the Hearing Officer arises from the August 18, 2021 decision by the Respondent to deny Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Jessica Koch, Economic Services Supervisor, WVDHHR. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Notice of Decision dated August 18, 2021
- D-2 Notice of Decision (WorkForce West Virginia registration request dated February 19, 2021)
- D-3 Notice of Decision (SNAP sanction letter) dated March 23, 2021
- D-4 Notice of Decision (SNAP termination letter) dated March 23, 2021
- D-5 SNAP Work Requirement Penalty Summary
- D-6 West Virginia Income Maintenance Manual Chapter 14.3.1.A
- D-7 West Virginia Income Maintenance Manual Chapter 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) The Appellant applied for Supplemental Nutrition Assistance Program (SNAP) benefits on August 12, 2021.
- 2) On August 18, 2021, the Respondent sent the Appellant a Notice of Decision (Exhibit D-1), indicating that her SNAP application was denied because she had failed to register with Workforce West Virginia.
- 3) The August 2021 SNAP application was denied because the Appellant was in the process of serving a 12-month work program sanction that had gone into effect on May 1, 2021, based on her prior failure to register with Workforce West Virginia (Exhibits D-2, D-3 and D-4).
- 4) The Appellant had served two prior work program penalties from July 2015 through September 2015 (three-month sanction) and from September 2016 through March 2017 (six-month sanction) (Exhibit D-5).
- 5) The Appellant's current 12-month work program penalty will run through April 2022.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 14.2 1.A states that all SNAP applicants/recipients are subject to a work requirement, unless exempt. Chapter 14.5.1.B (Exhibit D-7) states that a non-WV WORKS recipient 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 at least the minimum penalty period or until he reports a change which makes him exempt from work requirements.

West Virginia Income Maintenance Manual Chapter 14.5.1.B (Exhibit D-7) states that for a third work program penalty, the individual is removed from the SNAP Assistance Group for 12 months or until he or she meets an exemption.

### **DISCUSSION**

Policy states that all SNAP applicants/recipients are subject to a work requirement, unless exempt. A non-WV WORKS recipient who refuses or fails to register with WorkForce West Virginia is

subject to a penalty for at least the minimum penalty period or until he or she reports a change which makes him/her exempt from work requirements.

The Appellant testified that she registered with WorkForce West Virginia online on March 7, 2021, and registered in person in the WorkForce West Virginia office on August 12, 2021. The Respondent's witness, Jessica Koch, testified that there is no record indicating that the Appellant registered with WorkForce in March 2021, but there is data to demonstrate that she registered in August 2021 after the work program penalty was already in place.

The Appellant stated she had reported that she cares for her disabled son, but Ms. Koch indicated that the Respondent had not received any documentation that the Appellant was needed as a care provider. She stated that the Appellant could become exempt from the work program penalty if such verification is provided.

As the Appellant is in the process of serving a 12-month work program penalty, the Respondent's decision to deny her SNAP application is correct.

### **CONCLUSIONS OF LAW**

- 1) The Appellant applied for SNAP benefits in August 2021.
- 2) The Appellant had been placed in a 12-month work penalty effective May 2021.
- 3) When a work penalty has been placed on SNAP benefits, an individual must serve the minimum penalty period or must serve the penalty until he or she reports a change which makes him or her exempt from work requirements.
- 4) The Respondent's decision to deny SNAP benefits in August 2021 was correct, as the Appellant's 12-month work penalty period had not elapsed, and no verification was provided to exempt her from work requirements.

### **DECISION**

It is the decision of the State Hearing Officer to UPHOLD the Respondent's action to deny SNAP benefits.

**ENTERED this 22nd Day of September 2021.**

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**Pamela L. Hinzman  
State Hearing Officer**