



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

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Cabinet Secretary

Board of Review
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Jolynn Marra
Interim Inspector General

February 25, 2022

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 22-BOR-1097

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 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: Lisa Ward, [REDACTED] DHHR
Stephanie Smith, [REDACTED] DHHR
Justin Thorne, [REDACTED] DHHR

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

██████████,

Appellant,

v.

ACTION NO.: 22-BOR-

1097

**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 of Chapter 700 of the West Virginia Department of Health and Human Resources' (DHHR) Common Chapters Manual. This fair hearing was convened on February 8, 2022 on an appeal filed with the Board of Review on January 19, 2022.

The matter before the Hearing Officer arises from the Respondent's November 23, 2021 decision to implement a Supplemental Nutrition Assistance Program (SNAP) ineligibility penalty against the Appellant.

At the hearing, the Respondent appeared by Lisa Ward, ██████████ County DHHR. The Appellant appeared *pro se*. All witnesses were sworn in and the following exhibits were entered as evidence.

Department's Exhibits:

- D-1 DHHR Notice, dated November 23, 2021
- D-2 Completed Hearing Request Form, dated January 11, 2022
- D-3 DHHR Notice, dated October 21, 2021
- D-4 DHHR Notice, dated November 23, 2021
- D-5 DHHR Case Comments, dated November 2, 2021 through January 19, 2022
- D-6 West Virginia Income Maintenance Manual §§ 14.2 and 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 following Findings of Fact are set forth.

FINDINGS OF FACT

- 1) The Appellant was a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits for a one-person Assistance Group (AG) (Exhibits D-1 through D-6).
- 2) On November 23, 2021, the Respondent issued a notice advising the Appellant that his SNAP benefits would stop after December 31, 2021 because he failed to register with WorkForce West Virginia (hereafter, WorkForce) (Exhibit D-1).
- 3) On October 21, 2021, 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 19, 2021 (Exhibit D-3).
- 4) The October 21, 2021 notice advised, "If you do not register by this date, but prior to the end of the month in which the registration is due, you must notify the local office" (Exhibit D-3).
- 5) On November 23, 2021, the Respondent issued a notice advising that a second SNAP ineligibility penalty was applied because the Appellant failed to register with WorkForce. The notice advised the Appellant would be ineligible for SNAP benefits for six months or until compliance, whichever is longer (Exhibit D-4).
- 6) On November 30, 2021, the Appellant registered with WorkForce but failed to notify the Respondent of his registration (Exhibit D-5).

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) § 14.3.1.A provides in part:

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. 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.

The penalty is not imposed, and any lost benefits are restored if, before the end of the month in which the adverse notice expires, the following occurs:

- The client registers; and
- The client notifies the DHHR that he has registered.

WVIMM § 14.5.1.B provides in part:

A client who refuses to register with WorkForce is subject to a penalty period. For a 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.

DISCUSSION

The Appellant was a recipient of SNAP benefits. The Respondent imposed a SNAP ineligibility penalty and terminated the Appellant's SNAP benefits, effective January 1, 2022. The Appellant contested the Respondent's termination of his SNAP benefits and imposition of the SNAP ineligibility penalty. The Respondent had to prove by a preponderance of evidence that the Appellant failed to register with WorkForce and notify the Respondent of his registration by the required date.

The Appellant argued he was unable to register with WorkForce by the deadline because he was helping care for his father. During the hearing, the Appellant testified that he had barriers contacting the Respondent. He also testified that the Respondent advised him that as long as he registered with WorkForce by the end of the month he would continue receiving SNAP benefits. Later, the Appellant testified that he was aware he didn't call to report his registration because he was advised by WorkForce that the Respondent would see his registration on the computer and his SNAP benefits would "be fine."

The preponderance of evidence verified that the Appellant was required to register with WorkForce and notify the Respondent of the registration by November 19, 2021. The evidence verified that the Appellant was advised that if he failed to register by November 19, 2021 but registered by the end of November, he must notify the local office. Pursuant to the evidence, the Appellant registered with WorkForce on November 30, 2021 but failed to notify the Respondent of his registration. Because the Appellant failed to notify the Respondent of his registration as required by policy, the Respondent's action to impose a SNAP disqualification penalty was correct. The Appellant did not contest that this was his second penalty.

CONCLUSIONS OF LAW

- 1) The Appellant was required to register with WorkForce and to notify the Respondent of his registration by November 19, 2021.
- 2) The Appellant did not register with WorkForce by November 19, 2021 and failed to notify the Respondent of his November 30, 2021 registration.
- 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 decision to impose a SNAP ineligibility penalty and terminate the Appellant's SNAP benefits after December 31, 2021.

ENTERED this 25th day of February 2022.

Tara B. Thompson, MLS
State Hearing Officer