



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

**Bill J. Crouch
Cabinet Secretary**

**BOARD OF REVIEW
P.O. Box 1736
Romney, WV 26757
304-822-6900**

**Jolynn Marra
Inspector General**

April 5, 2022



RE: [REDACTED] v. WVDHHR
ACTION NO.: 22-BOR-1392

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,

Eric L. Phillips
State Hearing Officer
Member, State Board of Review

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

cc: Carla Addair-Pruitt, WVDHHR

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

████████████████████,

Appellant,

v.

Action Number: 22-BOR-1392

**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 31, 2022, on an appeal filed March 14, 2022.

The matter before the Hearing Officer arises from the January 20, 2022 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program benefits.

At the hearing, the Respondent appeared by Carla Addair-Pruitt, Economic Services Supervisor. The Appellant appeared pro se. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Notice of Work Registration Requirement dated December 20, 2021
- D-2 Notice of Work Registration Penalty dated January 20, 2022
- D-3 Notice of Decision dated January 20, 2022

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 Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) The Appellant was a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits.
- 2) On December 20, 2021, the Respondent notified the Appellant of her requirement to register with WorkForce West Virginia (WorkForce) by January 16, 2022, or meet an exemption, to maintain her eligibility for SNAP benefits. (Exhibit D-1)
- 3) The Respondent imposed a work registration penalty against the Appellant on January 20, 2022, for failure to complete the WorkForce registration. (Exhibit D-2)
- 4) The Appellant was subject to an initial work registration penalty that resulted in a period of ineligibility for SNAP benefits for three (3) months.
- 5) On January 20, 2022, the Respondent issued a Notice of Denial which informed the Appellant that her SNAP benefits would terminate effective March 1, 2022.
- 6) The Appellant completed a registration with WorkForce on January 31, 2022.

APPLICABLE POLICY

West Virginia Income Maintenance Manual § 14.3.1.A documents:

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.
- 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.

The client may register by visiting a WorkForce West Virginia 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.

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 Department of Health and Human Resources (DHHR) that he has registered. If the Worker independently discovers before the penalty goes into effect that the client has registered before the end of the month in which the adverse notice expires, the penalty may be lifted, and benefits restored. There is no requirement on the Department, however, to attempt to independently verify if the client has registered after the date the penalty is entered into the system.

West Virginia Income Maintenance Manual § 14.5.1.B documents:

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.

DISCUSSION

Policy governs that to maintain eligibility for SNAP benefits, a recipient must register with WorkForce every twelve (12) months, unless otherwise exempt. The penalty for a first offense failure to comply with the work registration requirements results in a three (3) month disqualification period.

The Respondent had to prove by a preponderance of the evidence that the Appellant failed to register with WorkForce, or meet an exemption to the requirement, by February 28, 2022, the month prior to the effective date of the termination of SNAP benefits.

The Respondent issued notice to the Appellant advising her of the requirement to meet the work registration requirements, or provide an exemption to the requirement, by January 16, 2022. An initial work registration penalty was applied to the Appellant's benefits, effective March 1, 2022, when the necessary documentation was not submitted. The imposed penalty resulted in a period of SNAP ineligibility for the Appellant for three (3) months or until she complied with the work registration requirement. Carla Addair-Pruitt, Economic Service Supervisor, testified that due to the late imposition of the sanction the Appellant was afforded an additional thirty (30) days to provide her registration with WorkForce.

At the commencement of the hearing, the Appellant requested that her eligibility worker, Michael Scarborough, be present and provide testimony at the hearing. The issued scheduling order for the proceeding clearly outlines that *any party who wishes a Department employee attend the hearing as a witness, must request that attendance, in writing, including the reason for the request, to the Department and the State Hearing Officer prior to the scheduled hearing.* Because the Appellant's request to subpoena the Department employee was untimely, the request was denied.

The Appellant acknowledged that she completed a late redetermination for SNAP benefits and was informed by her worker, Mr. Scarborough, of the requirement to register with WorkForce. The Appellant indicated that she completed the registration and on multiple occasions, phoned the Department leaving several voicemails to confirm completion of the registration. The Appellant indicated that she did not receive any return calls from the Department but did have several call logs to document her multiple attempts to contact the Respondent. The Appellant testified that she did not receive notification of the termination of SNAP benefits and became aware of the termination when she inquired of her SNAP balance at the beginning of March, after the sanction was imposed. Ms. Addair-Pruitt acknowledged that the Appellant completed the registration on January 31, 2022, but contended that the Department did not receive any information from the Appellant prior to the imposition of the sanction to confirm the completion of registration.

Policy provides that a work registration penalty is not imposed when the recipient registers with WorkForce and notifies the Department of the registration prior to the end of the month in which the adverse notice expires. The Department proposed termination of the Appellant's benefits was effective March 1, 2022; therefore, February 28, 2022, was designated as the expiration of adverse notice. The Appellant completed her registration with WorkForce on January 31, 2022, prior to the effective termination of benefits. The Appellant provided convincing testimony she contacted the Respondent on several occasions after the completion of her WorkForce registration but

received no further communication regarding the status of her benefits. Because the work registration requirements were completed on January 31, 2022, the Appellant maintained her eligibility; therefore, the Respondent's decision to terminate her SNAP benefits cannot be affirmed.

CONCLUSIONS OF LAW

- 1) To meet yearly work registration requirements with WorkForce West Virginia, the Appellant was required to register prior to February 28, 2022, to maintain her eligibility for SNAP benefits.
- 2) The Appellant complied with the work registration requirements on January 31, 2022, and attempted to notify the Respondent.
- 3) The Appellant complied with the WorkForce work registration prior to end of the month in which the adverse notice expired; therefore, the Respondent was incorrect to impose a sanction against the Appellant's benefits.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the decision of the Respondent to terminate the Appellant's monthly Supplemental Nutrition Assistance Program allotment.

ENTERED this _____ day of April 2022.

Eric L. Phillips
State Hearing Officer