



**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
Inspector General**

April 5, 2022

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 22-BOR-1405

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,

Kristi Logan
Certified State Hearing Officer
Member, State Board of Review

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

cc: Brandy Hudnall, [REDACTED] DHHR

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

██████████,

Appellant,

v.

Action Number: 22-BOR-1405

**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 April 5, 2022, on an appeal filed March 17, 2022.

The matter before the Hearing Officer arises from the December 7, 2021, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Brandy Hudnall, Economic Service Worker. The Appellant appeared *pro se*. The witnesses were sworn, and the following documents were admitted into evidence.

Department's Exhibits:

None

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 SNAP benefits.
- 2) The Respondent notified the Appellant by letter on November 3, 2021, advising that she was required to register with WorkForce West Virginia (WorkForce) by December 2, 2021, or meet an exemption, to continue receiving SNAP benefits.
- 3) The Respondent mailed an Interim Contact Form (PRC-2) to the Appellant on November 22, 2022, to be completed and returned by December 2, 2021.
- 4) The Respondent mailed a 10-Day Notice of Not Returning the Interim Contact Form to the Appellant on December 3, 2021, when the Interim Contact Form had not been received.
- 5) The Respondent imposed a work registration penalty for the Appellant on December 6, 2021, when the WorkForce registration had not been completed.
- 6) The Respondent notified the Appellant by letter on December 7, 2021, advising that the work registration penalty would start January 1, 2022, and last for 12 months.
- 7) The Respondent notified the Appellant by letter on December 7, 2021, advising that her SNAP benefits would terminate effective January 1, 2022, due to the work registration penalty and her failure to complete the Interim Contact Form.
- 8) The Appellant submitted the Interim Contact Form on January 10, 2022.
- 9) The Appellant requested a pre-hearing conference on January 18, 2022 and requested a hearing on March 17, 2022.

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.
- 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.
- 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. This includes persons receiving benefits under the Trade Readjustment Allotment (TRA).
- Individuals who are physically or mentally unfit to engage in full-time employment. See Section 13.15.
- Regular participants in a drug addiction or alcoholic treatment and rehabilitation program, either on a resident or non-resident basis. Regular participation is defined by the drug addiction or alcoholic treatment and rehabilitation program.

- 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. These individuals would be required to meet the SNAP work requirements if they did not receive WV WORKS.

West Virginia Income Maintenance Manual §13.15.3 states to meet the exemption of physically or mentally unfit for employment, the individual must meet one of the following:

- A client who meets the definition of disability (the receipt of state or federally funded benefits as listed in 13.15.2) is considered to be unfit for employment. No other verification is needed.
- A client who does not meet the definition of disability should be evaluated for fitness for employment. If it is obvious to the worker that the client is unfit for employment, then no further verification is needed, but thorough case comments must be entered explaining why the client is obviously unfit for employment.
- A client who does not meet the definition of disability and is not obviously unfit for employment will be requested to provide written verification from a licensed medical professional that the client is unfit for employment.
- Chronically Homeless Populations

DISCUSSION

Pursuant to policy, SNAP recipients must register with WorkForce every 12 months, or meet an exemption, as a condition of eligibility. The Respondent imposed a penalty against the Appellant when she failed to comply with the work registration requirement.

The Appellant contended that she is mentally and physically unable to work and she reported this exemption on the Interim Contact Form submitted on January 10, 2022. The Appellant denied receiving the November 2021 letter notifying her that she was required to register with WorkForce but acknowledged receiving the December 2021 notice of SNAP closure.

The Appellant failed to comply with SNAP work requirements by failing to register with WorkForce. Although the Appellant testified that she was physically and mentally unfit for employment, this potential exemption was not reported until after January 1, 2022, the effective date of the penalty, when the Appellant submitted the Interim Contact Form. Furthermore, to meet this exemption from work requirements, the Appellant must provide verification from a medical professional documenting her inability to work.

Whereas the Appellant did not register with WorkForce or report an exemption prior to the onset of the SNAP penalty, the Respondent's decision to impose a work registration penalty and subsequent SNAP closure is affirmed.

CONCLUSIONS OF LAW

- 1) A SNAP recipient must register with WorkForce every 12 months, or meet an exemption, to continue receiving SNAP benefits.
- 2) Once a work registration penalty is imposed, the minimum penalty period must be served or until the recipient reports an exemption.
- 3) The Appellant failed to register with WorkForce or report an exemption prior to the effective date of the work registration penalty.
- 4) The Respondent correctly imposed a work registration penalty effective January 1, 2022.

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 due to the imposition of a work registration penalty.

ENTERED this 5th day of April 2022.

Kristi Logan
Certified State Hearing Officer