



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
4190 Washington Street, West
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**Bill J. Crouch
Cabinet Secretary**

**Jolynn Marra
Inspector General**

April 19, 2022

[REDACTED]

Re: [REDACTED] v WV DHHR
ACTION NO.: 22-BOR-1438

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,

Angela D. Signore
State Hearing Officer
Member, State Board of Review

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

cc: Rebecca Skeens, WV DHHR, [REDACTED]

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

██████████,

Appellant,

v.

Action Number: 22-BOR-1438

**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' (DHHR) Common Chapters Manual. This fair hearing was convened on April 14, 2022, on an appeal filed March 24, 2022.

The matter before the Hearing Officer arises from the March 18, 2022 determination by the Respondent to apply a three (3) month sanction, thereby, terminating the Appellant's participation in Supplemental Nutrition Assistance Program (SNAP) benefits, resulting in a reduction of the Assistance Group (AG) allotment.

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

Department's Exhibits:

- D-1 WV DHHR Notice of Decision, dated November 09, 2021
- D-2 WV DHHR Notice of Decision, dated December 29, 2021
- D-3 WV DHHR Notice of Decision, dated December 29, 2021
- D-4 WV PATH eligibility system printout of SNAP Work Requirement Penalty, dated December 28, 2021
- D-5 WV PATH eligibility system printout of Case Comments, dated March 25, 2022
- D-6 WV PATH eligibility system printout of WorkForce WV Registration, dated March 17, 2022
- D-7 West Virginia Income Maintenance Manual (WVIMM) § 14.3
- D-8 WVIMM § 14.3.1.A
- D-9 WVIMM § 13.15.2
- D-10 WV PATH eligibility system printout of Case Comments, dated March 25, 2022 (Repeat of Exhibit D-5)

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 for a four-person Assistance Group (AG).
- 2) On November 09, 2022, the Respondent issued a notice of decision to the Appellant advising her of the need to register with WorkForce West Virginia (WorkForce) or meet an exemption and notify the Department of Health and Human Resources (DHHR) by December 08, 2021. (Exhibit D-1)
- 3) The Appellant failed to register with WorkForce or meet an exemption prior to the December 08, 2021 deadline. (Exhibit D-2 and D-3)
- 4) On December 29, 2021, the Respondent issued two additional notices of decision to the Appellant informing her that effective February 01, 2022, a SNAP work requirement penalty would be applied to her benefits for failure to register with WorkForce or meet an exemption prior to the December 08, 2021 deadline. The notices informed the Appellant that she would remain ineligible for SNAP benefits for a period of three (3) months or until she complied with the registration requirement, whichever was longer, and that the AG's monthly SNAP benefit allotment would decrease from \$290 to \$111. (Exhibits D-2 and D-3)
- 5) On March 24, 2022, the Appellant requested a Fair Hearing based on the December 29, 2021 Notice of Termination for failure to register with WorkForce or meet an exemption prior to the established deadline.
- 6) This is the Appellant's first violation of the SNAP work requirement. (Exhibit D-4)

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) § 14.2 General SNAP Work Requirements and Exemptions provides, in part:

All SNAP clients are subject to a work requirement unless exempt.

WVIMM § 14.3.1.A Registration Requirements 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 according to

Section 14.2. Clients 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 Supplemental Nutrition Assistance Program (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 adverse notice expires, the following occurs: the client registers with WorkForce WV, the individual notifies the DHHR that he or she has registered. If the worker discovers the registration before the penalty goes into effect that the client has registered before the end of the month which the adverse action expires, the penalty may be lifted, and benefits restored.

WVIMM § 14.3.1.B WorkForce WV provides, in part:

During the application and redetermination process, the eligibility system will present a registration date obtained from WorkForce WV. If the client is not registered, no date will be returned. During the certification period, the worker may request the registration date through the eligibility system. When the client is due to re-register, he must show activity to fulfill this requirement. The date of the re-registration is the date of the last action with WorkForce WV or the due date of the re-registration, whichever is later.

WVIMM § 14.5 SNAP Work Requirement Penalties provides, in part:

A SNAP penalty is imposed when clients do not comply with a work requirement and do not have good cause. When determining the correct number of penalties, the Worker must look at the total number of penalties previously served, not just the

number of penalties for each work requirement.

The penalty must be served unless the client meets an exemption. The penalty is never applied to an entire AG, only to the client who does not comply. When the reported exemption ends, the client is subject to the original penalty, unless he has complied or meets another exemption.

WVIMM § 14.5.1.B Non-Voluntary Quit Penalties provides, in part:

An individual who refuses or fails to register with WorkForce WV is subject to the following penalties for the full penalty period or until he or she reports a change which makes him or her exempt from the work requirements. For a first violation, the individual is removed from the SNAP AG for at least three (3) months or until he meets an exemption, whichever is later.

DISCUSSION

The Respondent bears the burden of proof to establish that action taken against the Appellant was in accordance with policy. The Respondent had to prove by a preponderance of evidence that the Appellant's SNAP benefits were correctly terminated, and a three (3) month sanction applied based on the Appellant's non-compliance with the WorkForce registration requirement.

By notice of decision dated November 09, 2021, the Respondent notified the Appellant that she was required to register with WorkForce or meet an exemption by December 08, 2021, in order to comply with SNAP policy. On December 29, 2021, when the Appellant failed to register with WorkForce or meet an exemption, the Respondent issued two additional notices of decision. The notices informed the Appellant that due to failure to register with WorkForce or meet an exemption, a three (3) month work requirement penalty had been applied and the Appellant's SNAP benefits would terminate effective February 01, 2022. The decision notified the Appellant that she would remain ineligible for SNAP benefits for a period of three (3) months or until she complied with the registration requirement or met an exemption, whichever was longer.

The Appellant testified that she is unable to work and would be applying for disability benefits, and the loss of her SNAP benefits is a hardship. The Respondent, Ms. Skeens, stated that the Appellant's physician could complete a Department form which requests more detailed information concerning the Appellant's inability to participate in employment. The Appellant could then reapply for SNAP benefits and a worker would determine whether the information provided by the physician meets the Respondent's definition of incapacity or disability in order to meet an exemption from the SNAP WorkForce registration requirement.

Pursuant to policy, an individual must register with WorkForce by visiting a WorkForce office, calling, or by registering online, yearly, as a condition of eligibility to receive SNAP benefits, unless an exemption is met. If an individual fails to register with WorkForce or meet an exemption by the due date listed on the registration request letter, but registration is completed prior to the effective date of the SNAP penalty and the Respondent is notified of the registration, the penalty may be removed. As the Appellant failed to register with WorkForce in a timely manner, and an incapacity/disability exemption has not yet been established, the preponderance of evidence established that the Respondent's decision to apply a three (3) month work requirement penalty to the Appellant's SNAP benefits is correct.

CONCLUSIONS OF LAW

- 1) The Appellant was required to comply with SNAP work requirements by either registering with WorkForce or meeting an exemption no later than December 08, 2021.
- 2) Because the Appellant failed to register with WorkForce or meet an exemption prior to the December 08, 2021 deadline, a SNAP work requirement penalty was applied.
- 3) Because the penalty against the Appellant is a first offense, the Appellant is ineligible for SNAP benefits for a period of three (3) months.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to impose a SNAP work requirement penalty for a period of three (3) months effective February 01, 2022.

ENTERED this 19th day of April 2022.

Angela D. Signore
State Hearing Officer