



**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**

May 5, 2022

[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 22-BOR-1489

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: Richard Griffey, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 22-BOR-1489

**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 May 5, 2022, on appeal filed April 4, 2022.

The matter before the Hearing Officer arises from the March 18, 2022 decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Richard Griffey, 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 Hearing Summary
- D-2 Notice of Work Registration Requirement dated February 15, 2022
- D-3 Notice of Work Registration Penalty dated February 15, 2022
- D-4 Notice of Work Registration Requirement dated March 3, 2021
- D-5 Notice of Work Registration Penalty dated March 18, 2022
- D-6 Notice of Decision dated March 18, 2022
- D-7 Computer printout of case comments

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, hereinafter SNAP, benefits.
- 2) On February 15, 2022, the Respondent notified the Appellant of her requirement to register with WorkForce West Virginia, hereinafter WorkForce, or meet an exemption to the program requirement by March 16, 2022. (Exhibit D-2)
- 3) On March 18, 2022, the Respondent notified the Appellant that a second work registration penalty had been imposed against her resulting in a six (6) month period of SNAP ineligibility. (Exhibit D-5)
- 4) On March 18, 2022, the Respondent notified the Appellant that her SNAP benefits would terminate effective April 1, 2022.
- 5) Respondent testimony indicates one work registration penalty had been removed against the Appellant due to an agency error. This is the Appellant's first work registration penalty.
- 6) The Appellant registered with WorkForce on March 23, 2022. (Exhibit D-7)

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 12 months, unless otherwise exempt. The penalty for a first violation of the work requirement is a period of ineligibility for three months or until the individual meets an exemption.

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 March 31, 2022, the month prior to the effective date of the termination of SNAP benefits.

On February 15, 2022, the Respondent issued notice to the Appellant advising her of the need to meet the work registration requirements, or provide an exemption to the requirement, by March 16, 2022. Evidence documents that a second work registration penalty was applied to the Appellant's benefits effective April 1, 2022. Richard Griffey, Economic Services Supervisor for the Respondent testified that the Appellant registered with WorkForce on March 23, 2022 (Exhibit D-7) but failed to notify the local office that she completed the registration prior to the imposed penalty date. Mr. Griffey proffered additional testimony that, due to an agency error, one penalty against the Appellant had been removed; therefore, the imposed penalty on April 1, 2022, was the Appellant's first work registration penalty.

The Appellant testified that she completed the work registration requirement on March 23, 2022 and attempted to notify her worker, Donna May, on the same date. The Appellant acknowledged that she may not have properly followed directions on the local office voicemail system to ensure proper delivery of the voicemail communication.

Governing policy dictates that the Respondent is not required to independently verify whether a SNAP recipient has completed a work registration requirement prior to imposition of a penalty. Evidence reveals that the Respondent notified the Appellant of the requirement to complete her work registration and communicate its completion prior to March 16, 2022. While the Appellant completed the work registration requirement on March 23, 2022, prior to the effective month of the penalty, there was no evidence to support that she properly notified the Respondent of her compliance with the requirements. Because the Appellant failed to adequately notify the Respondent of the completion of the work requirements timely, the Respondent was correct in its decision to terminate the Appellant's SNAP benefits.

CONCLUSIONS OF LAW

- 1) SNAP recipients must meet work registration requirements with WorkForce West Virginia yearly to maintain eligibility for the program.
- 2) A first penalty was applied to the Appellant's SNAP benefits when she failed to register with WorkForce West Virginia prior to the penalty effective date of April 1, 2022.
- 3) The Appellant is ineligible to receive SNAP benefits until the minimum penalty is served or an exemption is met.

DECISION

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

ENTERED this _____ day of May 2022.

Eric L. Phillips
State Hearing Officer