



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

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Board of Review
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Jolynn Marra
Inspector General

June 8, 2022

[REDACTED]
[REDACTED]
[REDACTED]

RE: [REDACTED] v. WVDHHR
ACTION NO.: 22-BOR-1527

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

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

██████████,

Appellant,

v.

ACTION NO.: 22-BOR-1527

**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 May 17, 2022 on an appeal filed with the Board of Review on April 14, 2022.

The matter before the Hearing Officer arises from the Respondent's February 23, 2022 decision to terminate the Appellant's Supplemental Nutrition Assistance Program benefits.

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

Department's Exhibits:

- D-1 DHHR Notice, dated February 23, 2022
- D-2 Hearing Request, scanned on April 12, 2022
- D-3 Notice, dated November 18, 2020
- D-4 Case Comments, dated December 29, 2020, March 30 and May 28, 2021, and February 22 through April 14, 2022
- D-5 West Virginia Income Maintenance Manual Chapter 14 excerpts

Appellant's Exhibits:

- A-1 Appellant's phone records

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) (Exhibit D-1).
- 2) On February 23, 2022, the Respondent issued a notice advising the Appellant's SNAP benefits would stop, after March 31, 2022, because the Appellant failed to register with WorkForce West Virginia (hereafter, WorkForce WV) (Exhibit D-1).
- 3) On November 18, 2020, the Respondent issued a notice advising the Appellant he was required to register with WorkForce WV and notify the Respondent of his registration by December 17, 2020 (Exhibit D-3).
- 4) On December 30, 2020, the Respondent issued a notice advising the Appellant a SNAP ineligibility penalty was being imposed for three months because he failed to register with WorkForce WV (Exhibit D-3).
- 5) On May 28, 2021, the Respondent completed a SNAP interview with the Appellant and advised the Appellant that due to WorkForce WV system being down, he received an exemption for WorkForce WV registration but would need to register when the system was operating (Exhibit D-4).
- 6) On February 22, 2022, the Respondent processed a medical review form and closed the Appellant's SNAP benefits because he was not registered with WorkForce WV (Exhibit D-4).
- 7) The Respondent did not issue a notice to the Appellant — between his May 28, 2021 SNAP eligibility interview and the February 22, 2022 SNAP termination notice — advising him of his requirement to register with WorkForce WV and notify the Respondent of his registration by a certain date (Exhibit D-4).
- 8) On April 11, 2022, the Respondent's record indicated that Appellant's WorkForce WV registration penalty took effect February 2021 (Exhibit D-4).
- 9) The Appellant complied with WorkForce WV registration requirements and notified the Appellant of his compliance by April 11, 2022 (Exhibits A-1 and D-4).

APPLICABLE POLICY

West Virginia Income Maintenance Manual (WVIMM) §§ 14.3.1.A provide in pertinent parts:

All individuals must register for employment with WorkForce West Virginia, within 30 days of the original approval, unless exempt. Clients must register every 12 months thereafter, regardless of the length of time that WorkForce West Virginia considers the registration valid.

The Consolidated Work Notice (CWN) is sent to the SNAP AG when an individual is required to register with job service through WorkForce WV. The CWN details who must register and the due date of registration. The CWN also explains why the individual is required to register and how to register

Once the client registers with WorkForce WV 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.

The worker must enter the appropriate information in the eligibility system at any point during the certification period when the client is due to register with WorkForce West Virginia.

When the worker discovers the client was not notified that he must re-register during the certification period and is not currently exempt, the worker must follow the same steps as noted above to establish a new registration due date and to ensure the client is notified 30 days prior to the new registration due date.

DISCUSSION

The Respondent imposed a SNAP ineligibility penalty period and terminated the Appellant's SNAP benefits. The Appellant argued that he complied with WorkForce WV registration requirements.

The Respondent bears the burden of proof. The Respondent had to prove by a preponderance of the evidence that the Appellant failed to register with WorkForce WV. To prove that the Appellant failed to comply with WorkForce WV requirements, the Respondent had to demonstrate that the Appellant was notified of his registration requirements and that he failed to register and notify the Respondent of his registration by the due date.

The policy stipulates that clients must register with WorkForce WV, unless exempt, to maintain SNAP benefit eligibility. The evidence established that the Appellant had been granted a WorkForce WV registration exemption during the Appellant's March 28, 2021 SNAP eligibility interview. No reliable evidence was entered to verify when the Appellant's WorkForce WV exemption expired.

The policy requires the Respondent to issue a Consolidated Work Notice (CWN) when the Appellant is required to register with WorkForce WV. The CWN must contain details specifying the due date of registration and how to register. No evidence was submitted to verify that the Respondent had issued a CWN to the Appellant following the expiration of his WorkForce WV registration exemption. Without issuance of a CWN that establishes a due date for registration, the Appellant's failure to comply with WorkForce WV registration by the due date cannot be established.

Because the Respondent failed to issue proper notice to the Appellant regarding his WorkForce WV registration requirement, the Respondent incorrectly imposed a SNAP ineligibility penalty on the Appellant for failure to comply with WorkForce WV registration requirements. Although the Respondent failed to provide the Appellant with proper WorkForce WV registration notice, the evidence verified that the Appellant complied with all WorkForce WV registration requirements and notified the Respondent of his compliance by April 11, 2022.

CONCLUSIONS OF LAW

- 1) When a client is required to register with WorkForce WV, the Respondent must issue a CWN to the client that contains details specifying the due date of registration and how to register.
- 2) The preponderance of evidence established that the Respondent failed to issue a CWN to the Appellant that specified a due date of WorkForce WV registration and how to register.
- 3) When a client fails to register for WorkForce WV and notify the Respondent of his registration by the due date, a SNAP ineligibility penalty may be imposed.
- 4) Because the Respondent failed to provide the Appellant with proper notice of his WorkForce WV registration requirement, the Respondent failed to establish by a preponderance of the evidence that the Appellant did not comply with WorkForce WV registration requirements by the due date.
- 5) The Respondent incorrectly implemented a SNAP ineligibility penalty period.
- 6) The Respondent incorrectly terminated the Appellant's SNAP benefits after March 31, 2022.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Respondent's decision to terminate the Appellant's SNAP benefits. The matter is **REMANDED** for removal of the SNAP ineligibility penalty period and restoration of any lost SNAP benefits.

ENTERED this 8th day of June 2022.

Tara B. Thompson, MLS
State Hearing Officer