



**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**

June 29, 2022

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 22-BOR-1747

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: Melissa Midkiff, [REDACTED] DHHR

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

████████████████████,

Appellant,

v.

Action Number: 22-BOR-1747

**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 June 29, 2022, on an appeal filed June 8, 2022.

The matter before the Hearing Officer arises from the April 29, 2022, decision by the Respondent to terminate the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Melissa Midkiff, Economic Service Worker. The Appellant appeared *pro se*. The witnesses were sworn in, 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 on April 29, 2022, that she would no longer receive SNAP benefits after May 31, 2022, due to the imposition of a work registration penalty.
- 3) The effective date of the work registration penalty was June 1, 2022.
- 4) The Appellant registered with WorkForce West Virginia (WorkForce) on June 5, 2022 and notified the Respondent of the completed registration on June 8, 2022.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §14.3.1.A states all individuals must register for employment with WorkForce West Virginia, within 30 days of the date 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(s) 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(s) is required to register and how to register. 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 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. The eligibility system uses this information to send the client the notice to register 30 days prior to the due date. 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.

West Virginia Income Maintenance Manual §9.6 states the Consolidated Work Notice (CWN) is the SNAP work requirement notification for the state of West Virginia. The CWN explains the requirements for SNAP members who must comply with either/both the SNAP Basic Work Rules or the Able-Bodied Adults without Dependents (ABAWD) Time Limit Rules. In addition, the CWN provides the AG with their right to a fair hearing, information on non-discrimination and how to contact the state ADA Coordinator if additional assistance is needed.

Individuals who are working enough hours or those who are exempt are not required to comply with work requirements. These individuals are not documented on the CWN. Demographic information entered into the eligibility system determines who must comply with work requirements. The following information is detailed on the CWN:

SNAP Basic Work Rules

- An explanation of the different SNAP work requirements
- What qualifies as an exempt individual
- When and how each individual must register with job service through Workforce WV
- What happens if the work requirement is not followed
- What to do if the individual has a good cause situation
- Penalty periods for not complying with work requirements

ABAWD Time Limit Rules

- Why an individual is considered ABAWD •
- How to meet the ABAWD work requirement Reporting when the individual is no longer meeting the requirement
- Who is exempt from ABAWD • Penalty after receiving 3 months without meeting the requirement What to do if the individual has a good cause situation

The CWN is sent to the SNAP AG after application certification, redetermination, when an individual who was previously exempt is now subject to either work requirement, or when a new individual is added to the SNAP AG and must comply with either work requirement. The CWN is available through the eligibility system and the PATH public portal.

DISCUSSION

Pursuant to policy, an individual must register with WorkForce within 30 days of the date of initial SNAP approval and every 12 months thereafter as a condition of eligibility to receive SNAP benefits, unless exempt. The Respondent imposed a penalty against the Appellant when she failed to register with WorkForce.

The Appellant testified that she did not receive notice that she was required to register with

WorkForce and was unaware that she had to register prior to June 1, 2022, to avoid a penalty. The Appellant contended that she is homeless and uses her boyfriend's address to receive her mail, which is frequently delivered to the business downstairs from his apartment. The Appellant admitted to receiving the April 29, 2022, notices of the penalty SNAP termination, but due to issues in receiving her mail, did not receive the letters until after June 1. The Appellant registered with WorkForce as soon as she was aware of the eligibility requirement.

The Consolidated Work Notice (CWN) is sent to SNAP applicants and recipients when an individual is required to register with WorkForce. The CWN explains who must comply with work registration requirements, what qualifies as an exemption, the penalty for failing to comply and when and how each individual must register with WorkForce. If an individual was not notified that he must re-register during the certification period and is not currently exempt, the Worker must establish a new registration due date and to ensure the client is notified 30 days prior to the new registration due date.

In reviewing the Appellant's case, the Respondent could find no evidence that the CWN was mailed to the Appellant, only the April 29, 2022, notice of the work requirement penalty and SNAP termination.

Whereas the Appellant was not given 30 days' notice of the requirement to register with WorkForce, the Respondent incorrectly imposed a penalty against her benefits. The Respondent's decision to terminate the Appellant's SNAP benefits cannot be affirmed.

CONCLUSIONS OF LAW

- 1) The Consolidated Work Notice is issued to SNAP recipients advising of the requirement to register with WorkForce and the due date of registration.
- 2) Policy requires that the Consolidated Work Notice be issued at least 30 days prior to the due date of the work registration.
- 3) The Appellant was not issued a Consolidated Work Notice.
- 4) The Respondent erroneously imposed and work registration penalty and terminated the SNAP benefits.

DECISION

It is the decision of the State Hearing Officer to **reverse** the decision of the Respondent to impose a work registration penalty and **reverse** the decision to terminate the Appellant's Supplemental Nutrition Assistance Program benefits.

ENTERED this 29th day of June 2022.

Kristi Logan
Certified State Hearing Officer