



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

**Bill J. Crouch
Cabinet Secretary**

**BOARD OF REVIEW
433 MidAtlantic Parkway
Martinsburg, WV 25404
Telephone: (304) 352-0805 Fax: (304) 558-1992**

**Jolynn Marra
Inspector General**

Esta es la decision de su Audiencia Imparcial. La decision del Departamento ha sido confirmada/invertido/remitido. Si usted tiene preguntas, por favor llame a Keyla Dominquez, 304-267-0100

July 12, 2022

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 22-BOR-1759

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,

Lori Woodward, J.D.
Certified State Hearing Officer
Member, State Board of Review

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

cc: Peter VanKleeck, BCF, [REDACTED] DHHR

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

██████████,

Appellant,

v.

ACTION NO.: 22-BOR-1759

**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 July 6, 2022, on an appeal filed June 16, 2022.

The matter before the Hearing Officer arises from the Respondent's April 11, 2022 decision to apply a work requirement penalty against the Appellant for failure to register with WorkForce West Virginia (WFWV) resulting in the closure of the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits.

At the hearing, the Respondent appeared by Peter VanKleeck, Family Support Supervisor. The Appellant appeared *pro se*. The witnesses were placed under oath and the following documents were admitted into evidence:

Department's Exhibits:

- D-1 Hearing Summary
- D-2 SNAP Work Rules Notice (CWN1), dated February 25, 2022
- D-3 SNAP Work Rules Notice (CWN1), dated March 22, 2022
- D-4 Notice of Closure (EDC1), dated April 11, 2022
- D-5 Notice of Decision (AE06), dated April 11, 2022
- D-6 Screen shot of Appellant's eRapids Case Comments from April 8, 2022 through June 22, 2022
- D-7 West Virginia Income Maintenance Manual, Chapter 14, §14.3
- D-8 West Virginia Income Maintenance Manual, Chapter 14, §14.5.1.B

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) On February 25, 2022, the Respondent sent the Appellant a SNAP Work Rules Notice (CWN1) informing her that she must follow basic work rules to continue receiving SNAP benefits; specifically, that she must register with job service (WFWV) by March 26, 2022 and notify the Department that she has registered. (Exhibit D-2)
- 2) The Respondent re-sent Notice CWN1 to the Appellant on March 22, 2022. (Exhibit D-3)
- 3) On April 11, 2022, the Respondent sent the Appellant notification that a work requirement penalty would be applied to her SNAP benefits for failure to register with WFWV and that her SNAP benefits would stop after May 1, 2022. (Exhibits D-4 and D-5)
- 4) The Appellant contacted the Respondent's Customer Service Center on April 25, 2022 and was informed that she had not fully registered with WFWV and was given instructions on what she needed to do to comply with WFWV registration, including notifying the Respondent once she had completed her registration. (Exhibit D-6)

APPLICABLE POLICY

WV IMM, Chapter 14, 14.3.1.A, in pertinent part, mandates all SNAP recipients register for employment with WorkForce West Virginia, within 30 days of the date of the original SNAP 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 WFWV. 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 that 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. [Emphasis added]

WV IMM, Chapter 14, §14.5, in pertinent part, requires a SNAP penalty be 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 assistance group (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. Penalties are applied sequentially, regardless of the requirement not met. In addition, penalties are applied consecutively, and one penalty must end before another one is imposed.

WV IMM, Chapter 14, §14.5.1.B, directs that a client who refuses or fails to register with WorkForce West Virginia, refuses employment, or refuses to provide information about employment status and job availability be 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 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 for 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 requires that SNAP applicants register with WFWV within 30 days from the date of a SNAP application or after completing a yearly review unless an exemption is met. The Respondent imposed a work registration penalty against the Appellant when she failed to complete her WFWV registration as required by policy.

The Respondent notified the Appellant by letter (CWN1) on February 25, 2022, that she was required to register with WFWV by March 26, 2022 and that she must notify the Department when registration has been completed. On March 22, 2022, CWN1 was re-sent to the Appellant. Because the Appellant's registration was considered incomplete, a work registration penalty with an effective date of May 1, 2022, was imposed upon the Appellant. On April 25, 2022, the Appellant contacted the Respondent's Customer Service Center and was informed that her WFWV registration was incomplete. Instructions were given to the Appellant on how to complete her registration and reminded her she must inform the Department of the completion. Subsequently, the Appellant completed her WFWV registration, however, she failed to call the Department upon completion.

The Appellant admitted she had forgotten to call the Department after she fully registered with WFWV, stating that there were so many things ongoing on a that time in her life. She testified that she has some medical issues. The Department Representative, Peter VanKleeck, explained to the Appellant how she could accomplish providing the Department with verification for consideration of an exemption. No documentation was provided at the hearing regarding a possible existing exemption from work requirements. Policy requires that once a work registration penalty is imposed, the minimum penalty period must be served or until the recipient establishes an exemption.

Because the Appellant had not informed the Department once she fully completed her WFWV registration, the penalty period of three-months for this first work requirement penalty must be served unless she can establish an exemption. The Respondent's decision to impose a work requirement penalty is affirmed.

CONCLUSIONS OF LAW

- 1) Policy requires that SNAP applicants register with WFWV within 30 days from the date of a SNAP application or after completing a yearly review unless an exemption is met.
- 2) A SNAP recipient has to the end of the month prior to the start of the penalty period to comply with work registration requirements and must inform the Department of the completion of registration.
- 3) Once a work registration penalty is imposed, the minimum penalty period must be served or until an exemption is met.
- 4) The Appellant failed to inform the Department of her completed WFWV registration prior to the effective date of the penalty.
- 5) The Appellant did not establish a work requirement exemption.
- 6) This is the Appellant's first work requirement penalty.
- 7) The Respondent correctly imposed a three-month work registration penalty effective May 1, 2022.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to impose a work requirement penalty to the Appellant's SNAP benefits.

ENTERED this 12th day of July 2022

Lori Woodward, Certified State Hearing Officer