



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

**Bill J. Crouch  
Cabinet Secretary**

**BOARD OF REVIEW  
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**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**

August 23, 2022

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 22-BOR-1849

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**

[REDACTED]

**Appellant,**

v.

**ACTION NO.: 22-BOR-1849**

**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 [REDACTED]. 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 August 17, 2022, on an appeal filed July 11, 2022.

The matter before the Hearing Officer arises from the Respondent's June 2, 2022 decision to apply a first 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 Combined Work Notice (CWN1), dated April 29, 2022
- D-3 Combined Work Notice (CWN1), dated May 9, 2022
- D-4 Notice of Closure (EDC1), dated June 2, 2022
- D-5 Notice of Decision (AE06), dated June 2, 2022
- D-6 West Virginia Income Maintenance Manual, Chapter 14, §14.3
- D-7 West Virginia Income Maintenance Manual, Chapter 14, §14.5, *et. seq.*

**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 April 29, 2022 and again on May 9, 2022, the Respondent sent notice to the Appellant that she must follow basic work rules or meet an exemption to continue receiving SNAP benefits. Specifically, the notice informed the Appellant that she must register with job service (WFWV) by May 28, 2022 and notify the Department of her registration. (Exhibits D-2 and D-3)
- 2) On June 2, 2022, the Respondent determined that the WFWV system did not show the Appellant as registered with WFWV. (Exhibit D-1)
- 3) On June 2, 2022, the Respondent sent the Appellant notification that a first work requirement penalty of three months would be applied to her SNAP benefits for failure to register with WFWV or meet an exemption and that her SNAP benefits would stop after June 30, 2022. (Exhibits D-4 and D-5)

### **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.

**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 within the 30 day timeframe required by policy.

The Respondent notified the Appellant by letter (CWN1) on April 29, 2022 and again on May 9, 2022, that she was required to register with WFWV by May 28, 2022 and that she must notify the Department when registration had been completed. On June 2, 2022, the Respondent imposed a first work registration penalty with an effective date of July 1, 2022, when it was determined that the Appellant had not registered with WFWV. Policy requires that once a work registration penalty is imposed, the minimum penalty period must be served or until the recipient establishes an exemption.

The Appellant testified that during her SNAP application interview, she informed the worker that she had been denied a disability claim and that she was unaware she needed to provide further documentation of her disability. However, the Appellant had been sent a CWN1 twice regarding the fact that she needed to register with WFWV or to call the DHHR Customer Service or her local DHHR office if she felt she qualified for an exemption. It was not until a week prior to the scheduled fair hearing that the Appellant registered with WFWV (sometime around August 10, 2022).

At the hearing, the Appellant stated that she had been on short-term disability from September 7, 2021 through February 28, 2022. However, once that ended, she applied for long-term disability, which was denied. The Appellant also testified that she did have a note from her doctor stating she was unable to work from March 1, 2022 through June 1, 2022 due to her ongoing symptoms. However, the evidence showed that the Appellant did not present this note at application. The Appellant did not have a current doctor's statement establishing an exemption from WFWF registration.

Because the Appellant was not registered with WFWV until after the imposition of the work requirement penalty, and she did not establish that she had an exemption from registration, the penalty period of three months for this first penalty must be served. The Respondent's decision to impose a first work requirement penalty of three months is affirmed.

## **CONCLUSIONS OF LAW**

- 1) Policy requires that a SNAP applicant register with WFWV within 30 days of the date of the initial SNAP application or meet an exemption.

- 2) Once a work registration penalty is imposed, the minimum penalty period must be served or until an exemption is met.
- 3) The Appellant failed to register with WFWV or establish an exemption prior to the effective date of the work registration penalty.
- 4) This is the Appellant's first work requirement penalty.
- 4) The Respondent correctly imposed a three-month work registration penalty effective July 1, 2022.

### **DECISION**

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

**ENTERED this 23<sup>rd</sup> day of August 2022**

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Lori Woodward, Certified State Hearing Officer