



**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**

August 30, 2022

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 22-BOR-1942

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: Ashley Adams, [REDACTED] DHHR

\_\_\_\_\_;

**V.**

**WEST VIRGINIA DEPARTMENT OF  
HEALTH AND HUMAN RESOURCES,**

## DECISION OF STATE HEARING OFFICER

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 30, 2022, on an appeal filed August 4, 2022.

At the hearing, the Respondent appeared by Ashley Adams, Economic Service Worker. The Appellant represented herself. The witnesses were sworn, and the following documents were admitted into evidence.

D-1	Board of Review Scheduling Order dated August 16, 2022
D-2	Hearing Request Notification Form and Hearing Request received August 4, 2022
D-3	Consolidated Work Notice (CWN1) dated May 6, 2022
D-4	Notice of Work Registration Penalty dated June 7, 2022
D-5	Notice of SNAP Termination dated June 7, 2022
D-6	Case Comments from April 2022 – August 2022

## 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) On May 6, 2022, the Respondent sent the Appellant the Consolidated Work Notice advising that she was required to register with Workforce WV by June 4, 2022 (Exhibit D-3).
- 3) The notice advised the Appellant that she was required to notify the Respondent upon completion of the Workforce WV registration (Exhibit D-3).
- 4) A work registration penalty was imposed against the Appellant on June 6, 2022, when it was determined that she had not registered with Workforce WV (Exhibit D-6).
- 5) The Respondent sent notice to the Appellant on June 7, 2022 advising that due to the work registration penalty, she would be ineligible for SNAP benefits effective July 1, 2022, for 12 months (Exhibits D-4 and D-5).
- 6) The Appellant registered with Workforce WV on June 10, 2022.
- 7) The Appellant contacted the Respondent on July 11, 2022, to report the completed Workforce WV registration (Exhibit D-6).
- 8) The Appellant has two (2) previous work registration penalties.

### **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.

- Matched 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.

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 states 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 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/she meets an exemption. If after three months, the client has not complied or met an exemption, the penalty continues until he/she 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/she meets an exemption. If after six months, the client has not complied or met an exemption, the penalty continues until he/she 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/she meets an exemption. If after the 12 months, the client has not complied or met an exemption, the penalty continues until he/she does comply or meets an exemption for some reason other than UCI-related activities

## **DISCUSSION**

Pursuant to policy, an individual must register with Workforce WV 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. If an individual fails to register with Workforce WV by the due date listed on the Combined Work Notice, but registration is completed prior to the effective date of the SNAP penalty and the Respondent is notified of the registration, the penalty may be removed.

The Appellant was notified that she was required to register with Workforce WV by June 4, 2022. A SNAP penalty was imposed against the Appellant when she failed to register by the due date, effective July 1, 2022. The Appellant registered with Workforce WV subsequent to the imposition of the SNAP penalty but failed to notify the Respondent until after the penalty went into effect.

The Appellant testified that when she registered with Workforce WV, she was told by Workforce WV that the Respondent would be notified of her registration, and no further action was necessary on her part. The Appellant admitted that she should have reported the registration herself but trusted the Workforce WV caseworker. The Appellant stated she could not afford to lose SNAP benefits for a year.

The Combined Work Notice sent to the Appellant on May 6, 2022, clearly stated that the Appellant was required to register with Workforce WV by June 4, 2022 and report the registration to the Respondent. The Respondent was not required to verify if the Appellant had registered after a penalty had been imposed. The Appellant registered with Workforce WV on June 10, 2022, after the deadline and imposition of the penalty and did not report the registration until July 11, 2022.

Whereas the Appellant failed to notify the Respondent that she completed her Workforce WV registration prior to the imposition and effective date of the SNAP penalty, the Respondent's decision to terminate the Appellant's SNAP benefits is affirmed.

## **CONCLUSIONS OF LAW**

- 1) SNAP recipients must register with Workforce WV yearly to receive SNAP benefits.
- 2) A penalty was applied to the Appellant's SNAP benefits when she failed to register with Workforce WV by the deadline established by the Respondent.
- 3) The Appellant registered with Workforce WV subsequent to the imposition of the SNAP penalty but did not report the registration until after the penalty went into effect.
- 4) The Appellant will be excluded from participation in SNAP for the minimum penalty period of twelve (12) months, as this is her third offense.

## **DECISION**

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

**ENTERED this 30<sup>th</sup> day of August 2022.**

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**Kristi Logan**  
**Certified State Hearing Officer**