



**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**

September 21, 2022

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 22-BOR-1950

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-1950**

**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 September 13, 2022, on an appeal filed August 8, 2022.

The matter before the Hearing Officer arises from the Respondent's June 27, 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 Sandra Brown, 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 May 18, 2022
- D-3 SNAP Work Rules Notice (CWN1), dated June 8, 2022
- D-4 Notice of Closure (EDC1), dated June 27, 2022
- D-5 Notice of Decision (AE06), dated June 27, 2022
- D-6 West Virginia Income Maintenance Manual, Chapter 14, §14.3, *et. seq.*
- 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 May 18, 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 June 16, 2022 and notify the Department that she has registered. (Exhibit D-2)
- 2) The Respondent re-sent Notice CWN1 to the Appellant on June 8, 2022. (Exhibit D-3)
- 3) The Appellant did not register with WFWV by the June 16, 2022, deadline.
- 4) On June 27, 2022, the Respondent sent the Appellant notification that due to her failure to register with BEP (WFWV), a work requirement penalty is being applied for the duration of three months or until compliance, whichever is longer. (Exhibit D-5)
- 5) On June 27, 2022, the Respondent sent the Appellant notification that her SNAP benefits would stop after July 31, 2022, as a result of the work requirement penalty. (Exhibit D-4)
- 6) On August 2, 2022, the Appellant fully registered with WFWV.

### **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 May 18, 2022, that she was required to register with WFWV by June 16, 2022 and that she must notify the Department when registration has been completed. On June 8, 2022, CWN1 was re-sent to the Appellant. On June 27, 2022, the WFWV site was checked by the Respondent's worker which did now show the Appellant as registered with WFWV. Because the Appellant had not registered with WFWV by the June 16, 2022 deadline or established an exemption, a three-month work requirement penalty must be imposed. The Respondent sent notification to the Appellant on June 27, 2022, that beginning August 1, 2022, a three-month work requirement penalty would be imposed. On August 2, 2022, the Appellant successfully registered with WFWV, after the penalty was imposed.

The Appellant contended that she never received the notifications regarding the need to register with WFWV. However, the Appellant did confirm that the mailing address on record was correct and that she did receive the closure notice dated June 27, 2022.

Because the Appellant failed to register with WFWV before the imposition of the work requirement penalty, the three-month penalty must be served unless an exemption can be established. 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) Notification that the Appellant must register with WFWV by June 16, 2022, was sent to the Appellant on two separate occasions to the confirmed address on record.
- 3) The Appellant registered with WFWV on August 2, 2022, after the implementation of the three-month work requirement penalty.

- 4) The Appellant must serve the three-month work requirement penalty or meet an exemption.

**DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's imposition of a three-month work requirement penalty to the Appellant's SNAP benefits beginning August 1, 2022.

**ENTERED this 21<sup>st</sup> day of September 2022**

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Lori Woodward, Certified State Hearing Officer